

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

In Senate Chamber
Wednesday
December 3, 2008

Pursuant to the Provisions of the Constitution and the laws of the State of Maine, the Senators-elect of the One-Hundred and Twenty-Fourth Legislature convened in the Senate Chamber and were called to order by Joy J. O'Brien, Secretary of the Senate of the One-Hundred and Twenty-Third Legislature.

Prayer by Paul B. Cates, Vassalboro Friends Meeting.

MR. CATES: May we pray together. Dear God, we are gathered here on a very auspicious occasion, which is also in a very difficult time. Due to a worldwide financial crisis, the Maine State Legislative bodies are faced with severe budgetary constraints, while at the same time the need for State services is increasing day by day. How good it would be if, as in the story in the book of Genesis, we could walk with You at evening in the garden and hear Your words of advice about how best to deal with the challenges we face. This privilege is not available to us, but as one of many in this room who have tried to walk with You daily in our lifetime, it seems pretty clear to me what Your advice would be to Maine citizens and their legislators. 'I have given you intelligence and the power of creativity, especially to Mainers who I have given a great measure of common sense. All these powers and more are available for you to use in solving the problems faced by Maine and its citizens.'

Forgive me, dear God, for almost wanting to say, out of our frustration, 'But you don't understand the extent of our problems.' Of course You understand, but with the freedom given to us in prayer I would still like to speak further about the challenges we face.

Last year was a tough budgetary year for Maine, yet through heroic efforts, our legislators managed to keep within budgetary limits while maintaining the essential services that make Maine such a great state. This year's challenge threatens to be much greater. What might be Your reply? 'As you use your intelligence, your power of reason, your creativity, and common sense in the service of Maine and its people, I will be with you.'

Dear God, we give You sincere and heartfelt thanks for these much needed words of assurance and we, the citizens of Maine, are deeply grateful for the dedication of our legislators, who will be using all their God given powers as they face the problems in these times. They will use all these powers and a good measure of old fashion Downeast determination. With public servants such as these in this Chamber, and with Your presence and support, all things are possible. We come to You this morning on behalf of Maine and all its inhabitants. Amen.

Pledge of Allegiance led by Senator-elect Philip L. Bartlett II of Cumberland County.

The Following Senate Communication: S.C. 1

**STATE OF MAINE
Office of the Secretary of State**

December 3, 2008

To Joy J. O'Brien, Secretary of the Senate in the One Hundred and Twenty-third Legislature:

I, MATTHEW DUNLAP, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following are the names and residences of the Senators-elect to the One Hundred and Twenty-fourth Legislature, in accordance with the tabulation submitted to the Governor on November 24, 2008:

- DISTRICT 1 PETER B. BOWMAN, Kittery
- DISTRICT 2 RICHARD A. NASS, Acton
- DISTRICT 3 JONATHAN T.E. COURTNEY, Sanford
- DISTRICT 4 NANCY B. SULLIVAN, Biddeford
- DISTRICT 5 BARRY J. HOBBS, Saco
- DISTRICT 6 PHILIP L. BARTLETT II, Gorham
- DISTRICT 7 LAWRENCE STEVEN BLISS, South Portland
- DISTRICT 8 JUSTIN L. ALFOND, Portland
- DISTRICT 9 JOSEPH C. BRANNIGAN, Portland
- DISTRICT 10 STANLEY J. GERZOFKY, Brunswick
- DISTRICT 11 GERALD M. DAVIS, Falmouth
- DISTRICT 12 G. WILLIAM DIAMOND, Windham
- DISTRICT 13 DAVID R. HASTINGS III, Fryeburg
- DISTRICT 14 BRUCE S. BRYANT, Dixfield
- DISTRICT 15 DEBORAH L. SIMPSON, Auburn
- DISTRICT 16 MARGARET M. CRAVEN, Lewiston
- DISTRICT 17 JOHN M. NUTTING, Leeds
- DISTRICT 18 WALTER R. GOOLEY, Farmington
- DISTRICT 19 SETH A. GOODALL, Richmond
- DISTRICT 20 A. DAVID TRAHAN, Waldoboro
- DISTRICT 21 EARLE L. MCCORMICK, West Gardiner
- DISTRICT 22 CHRISTOPHER W. RECTOR, Thomaston
- DISTRICT 23 CAROL WESTON, Montville
- DISTRICT 24 ELIZABETH H. MITCHELL, Vassalboro
- DISTRICT 25 LISA TESSIER MARRACHE, Waterville
- DISTRICT 26 S. PETER MILLS, Cornville
- DISTRICT 27 DOUGLAS M. SMITH, Dover-Foxcroft
- DISTRICT 28 DENNIS S. DAMON, Trenton
- DISTRICT 29 KEVIN L. RAYE, Perry
- DISTRICT 30 ELIZABETH M. SCHNEIDER, Orono
- DISTRICT 31 RICHARD W. ROSEN, Bucksport
- DISTRICT 32 JOSEPH C. PERRY, Bangor
- DISTRICT 33 DEBRA D. PLOWMAN, Hampden
- DISTRICT 34 ROGER L. SHERMAN, Hodgdon
- DISTRICT 35 TROY DALE JACKSON, Allagash

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this third day of December in the year Two Thousand and Eight.

S/MATTHEW DUNLAP
Secretary of State

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Assistant Secretary called the Roll with the following result:

ROLL CALL (#1)

PRESENT: Senators-elect: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON

34 Senators-elect having answered the Roll, the Secretary declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator-elect **BARTLETT** of Cumberland, the following Senate Order:

S.O. 1

Ordered, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

READ and PASSED.

The Secretary appointed the Senator-elect from Cumberland, Senator-elect **BARTLETT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator-elect to the Governor's Office.

Senate at Ease.

Senate called to order by the Secretary.

Subsequently, the Senator-elect from Cumberland, Senator-elect **BARTLETT** reported that he had delivered the message with which he was charged.

ORGANIZATION OF THE SENATE

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

GOVERNOR BALDACC: Thank you very much. I'm very careful coming up here, having been a former member and seeing former members that I served with that are now current members because they know all the stories. I have to be careful. I don't want them to tell them out of school.

It certainly is an exciting day. I want to welcome all of the family members that are here, all the newly elected members that are here, and the ones that are returning. It's an honor to serve in the State House. It's an honor to be able to represent the people of Maine in your districts. We are very fortunate to have the degree of public service and public servants in our state and also to have the families that are here. I remember back when my own family was with me when I was sworn into the State Senate a long time ago. It's an exciting day for them. They didn't sign on for it, but they end up being the recipient of a lot of our constituent work, so it's good that they have a day to enjoy themselves. The First Lady and I are having a reception over at the Blaine House and we invite all of you to attend that later today. Congratulations to all of you.

It is a season of change and change is coming. It's not only going to be coming from Washington, but it's also going to be coming from Augusta and State Houses across the country. It's going to be difficult in challenging times, but I think it's going to be important that we work together across regions and across parties and recognize the importance of the work that we have to do. We will do it because we're from Maine and that is what Maine people do every single day of the week and of the year and that is what they expect of us. I'm so fortunate to be able to work with all of you. I look forward to this session, as challenging as it's going to be.

If the Senators-elect would please rise and raise their right hand.

The Senators-elect took and subscribed to the oaths of office required by the Constitution.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

ELECTION OF SENATE OFFICERS

THE SECRETARY: Nominations are now in order for the Office of President of the Senate of the 124th Legislature.

Senator **PERRY** of Penobscot **NOMINATED** Senator **ELIZABETH H. MITCHELL** of Kennebec for the Office of President of the Senate of the 124th Legislature.

THE SECRETARY: The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame Secretary. I am so pleased and proud to be able to stand today and nominate my good friend, Senator Mitchell, to be our next President of the Senate. I want to take just a minute to tell you a bit about my history with Senator Mitchell. It goes back further than she

knows. In 1984 I was 18 years old. I went to vote for the very first time in my life. The second person I ever voted for, the first woman I ever voted for, was Elizabeth Mitchell. She was running for the United States Senate against a very popular Bill Cohen. I don't remember much about the campaign or the issues, but I knew there was something about Libby that made me want to vote for her. She caught my attention somehow. Twelve years later we met again. I was a freshman member of the House of Representatives and had the great honor to vote for Libby to be the very first female Speaker of the House. It was a great honor then. After that first term, we parted ways. Libby went off and became a lawyer. She spent the next six years becoming a lawyer and now practices with her husband when she's not running the Senate. Six years later we met again here in the Senate and now it's my great honor to nominate her to be the President of the Senate.

I could spend a lot of time telling you about Libby's distinguished record and her resume. About running the Maine State Housing Authority, which is a government agency where they end up dealing with public/private partnerships, bankers, builders, and developers. I could tell you all sorts of the things Libby's done over the years.

I want to tell you how she will run the Senate. I learned a lot from her over the years. I think back to my first term in the House of Representatives and a couple of bits of advice Libby gave me. One of them you have probably heard before: it's amazing how much you can get done if no one cares who gets the credit. I can tell you that is how Libby operates. The one that has really stuck with me is: if you don't take any chances you'll never be criticized, but you probably won't accomplish much either. I know over the years Libby has taken chances. She's taken on bold issues and she knows how to bring all the interested parties together, both sides of the aisle. Although the Democrats have the majority here, Libby knows you need to engage everyone to solve these problems. There is a lot of talent in this Chamber and we need everyone to participate. I know that is how Libby will run the Senate. We'll be proud to have her as our leader. We'll be thankful for her leadership. I can't wait to get started in January with Libby. Thank you.

THE SECRETARY: The name of Elizabeth H. Mitchell has been placed in nomination for the Office of President of the Senate. Is there a second?

Nomination seconded by Senator **GOODALL** of Sagadahoc.

THE SECRETARY: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame Secretary. I speak today, just as my colleague, the Senator from Penobscot, Senator Perry, not as a great orator with quotes of famous leaders speaking about distinguished skills, but rather about Libby personally. Our friend. I had the fortunate experience to have Senator Mitchell as my mentor in law school. She would always sit in the back row with me up front. You could always turn to Libby and seek guidance. She helped me through a hard time. I look forward to having that same leadership here in the State Senate.

Libby has served in the legislature for eleven terms. She's making history today by becoming the first woman in the country to preside over the House of Representatives as Speaker and as

the Senate President in this chamber. Some of the distinguished veterans in this Body can speak to her legislative accomplishments much better than I; such as the Senator from Cumberland, Senator Brannigan, or the Senator from Cumberland, Senator Diamond. I know new members of the legislature, such as the member to my left, the Senator from Cumberland, Senator Alford, and members from the House of Representatives are going to lean on Senate President Libby Mitchell to help guide us through. She's going to provide the flexibility to the members that sacrifice, whether it be on the farm for the Senator from Androscoggin, Senator Nutting, or whether it be as a doctor for the Senator from Kennebec, Senator Marraché, to make sure that we move forward. Most importantly about Senator Mitchell, what I am looking forward to, is her ability to build consensus. With the Senator from Washington, Senator Raye, leading the Republicans we have to work together. I know Senator Mitchell is going to strive as the next President to do that. Thank you.

THE SECRETARY: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame Secretary. I, too, rise to second the motion. I also rise on this, the first day of the 124th Legislature, filled with a sense of optimism. Here, surrounded by family and friends, we celebrate a new beginning and in new beginnings there is always hope. In this situation that hope is tempered, of course, by the daunting challenges we face in addressing the impact of a fiscal crisis and an economy buffeted by a worldwide downturn, stunning in its swiftness and its scope. As a result, we have difficult decisions ahead of us. We must work first to reduce the current year's budget by some \$150 million. Soon thereafter we must address the shortfall likely exceeding \$500 million over the next biennium. Having served on the Health and Human Services Committee during the 123rd Legislature, I appreciate the challenges that lay ahead of us. All of us serving in this Body must honor the trust that has been placed in us by the people of Maine. We have an opportunity, indeed an obligation, to downsize State government responsibly to a level that Maine's hardworking taxpayers can afford. With that comes a duty to do so thoughtfully, maintaining a commitment to our frail elderly, to the disabled, those among us who are on the margins and unable to fend for themselves, while at the same time reining in spending to help foster a climate that will strengthen Maine's businesses, spur job creation, and expand opportunity for our young people here in Maine.

Against this backdrop I want to take this opportunity to thank publicly my Republican colleagues for the opportunity to serve as the Senate Republican leader as we work together to meet the challenges that we face as a state. I'm excited to do so along side a committed, experienced, and talented caucus and with the shared leadership of my good friend from York, Senator Courtney. As we begin this new journey together it's good to be reunited with all those Senators who are returning for the 124th. I am particularly pleased to extend a warm welcome to the new Senators and their family and friends who join us for the first time today. This is, indeed, a momentous day in your lives. Senator Davis of Cumberland, Senator Rector of Knox, and Senator Trahan of Lincoln on the Republican side of the aisle each come to us as seasoned veterans of the other Body and will bring their considerable talents to the Senate. Welcome also to Senators Alford, Bliss, and Gerzofsky of Cumberland, Senators Craven

and Simpson of Androscoggin, Senator Goodall of Sagadahoc, and Senator Jackson of Aroostook. Each new Senator brings to this Chamber his or her own strengths and will each have an opportunity to help shape the debate in a meaningful way. I would be remiss if I did not offer especially to Senator Gerzofsky and Senator Schneider a welcome to the Republican side of the aisle. They will be surrounded by good vibes and we hope that their new perspective from the right side of the Chamber will shed some light for them on the issues that effect both of them in profound ways.

In all seriousness, we are part of a great Maine tradition of a citizen legislature coming together to serve the people of this state. During my 17 years working with Olympia Snowe people would often ask her what motivated her to work to resolve partisan conflict, to bridge differences, and to work for constructive solutions. Each time I heard the same answer; it was her experience serving in the Maine Legislature where Republican and Democrats duked it out during the campaign to secure every last seat that they could for their side of the aisle, but when the heat of the election was over we come together and address the issues and resolve the problems that they faced together. That is the spirit in which I rise today, as a proud Republican but first and foremost as a proud Mainer. I look forward to a constructive working relationship with our colleagues on the Democratic side of the aisle, particularly the new Majority Leader, the Senator from Cumberland, Senator Bartlett, and the new Assistant Majority Leader, the Senator from Kennebec, Senator Marraché, with whom I had the pleasure to serve on the Health and Human Services Committee. Some new legislatures begin with acrimony and discord. Others begin with a positive spirit. It is the desire of us, on the Republican side of the aisle in the 124th Legislature, to be characterized by the latter. I believe that we have the makings of a session that will be guided by mutual respect and the hard work of maximizing our efforts to seek consensus wherever it is possible to do so. That doesn't mean that any of us in this Body must abandon the core principles that define us. It does mean that we must make every effort to do what the people of Maine sent us here to do; to put Maine first and to work together within those principles and find the places where they can coincide.

Of course I'd be disingenuous if I did not acknowledge the fact that we, as Republicans, sought a different outcome and hoped to be in a position to place one of our own as President of the Senate, but we have the greatest respect for the electoral process that brought us all here today and when the votes were counted on November 4th it was not our party who won the majority of the seats in this Body. Rather our friends across the aisle prevailed in the majority of the races and, as a result, has won the right to erect their nominee as the Senate's presiding officer. In selecting their nominee they turned to someone whom I have come to consider a friend. We arrived in the Senate four years ago where we struck up a friendship early on, developed a working relationship, and in those instances where we had not agreed we have always done so with the utmost of respect and affection. We are about to make history for Maine by electing as our presiding officer the first woman ever to serve as the presiding officer of both Chambers. As I understand it, not only of the state but also of the nation. That is a most noteworthy accomplishment of which we can all be very proud, as is, I know, her family who is here today to witness this occasion as she takes her place in history. As the Minority, there are only a few specific ways in which we can signal that we hope to set a positive tone

for moving forward. One of them is to put aside the exercise of nominating our own candidate for presiding officer and to move forward together to do the people's business. Madame Secretary, in that spirit I am very pleased to second the nomination of the Senator from Kennebec, Senator Mitchell, for the position of President of the Senate.

On further motion by same Senator, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Elizabeth H. Mitchell of Kennebec for the Office of President of the Senate for the 124th Legislature.

This being done, Senator **ELIZABETH H. MITCHELL** of Kennebec was duly elected President of the Senate of the 124th Legislature.

The Secretary requested the Senator from Penobscot, Senator **PERRY**, the Senator from Sagadahoc, Senator **GOODALL**, and the Senator from Washington, Senator **RAYE** escort the President-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of President. The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **PERRY**, the Senator from Sagadahoc, Senator **GOODALL**, and the Senator from Washington, Senator **RAYE** and President-elect **ELIZABETH H. MITCHELL** of Kennebec to the Governor's Office.

Senate at Ease.

Senate called to order by the Secretary.

Subsequently, the Senator from Penobscot, Senator **PERRY**, reported that they had attended to the duties with which they were charged and were pleased to report that Senator **ELIZABETH H. MITCHELL** of Kennebec had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Office of President of the Senate of the 124th Legislature.

Thereupon, President **MITCHELL** of Kennebec was escorted to the rostrum by the Sergeant-At-Arms and addressed the Senate. (Amid applause, the Members rising).

At this point, the President noted the presence in the Senate Chamber of Senator-elect **GOOLEY** of Franklin. In accordance with a long-standing and unique tradition of the Maine Senate, the Senator-elect from Franklin was absent to attend to and stoke the furnace.

THE PRESIDENT: I know you've never seen this before, but I feel speechless. Don't get used to it. We have a very important thing to do in just a moment because there was a wonderful gentleman who sat on the other side of the Chamber, who gave up his opportunity to be here because he was stoking the

furnace, as is a tradition in Maine since the 1800's. The Senator from Franklin, Senator Gooley, is here.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I am pleased to report to this honorable Body that I have stoked the fires for which I was charged. The heat will arrive soon. This is a tradition that goes back, I believe, to 1820. I need to be sworn in at the Governor's Office if I am to serve.

The President requested the Senator from Washington, Senator **RAYE** escort the Senator-elect from Franklin, Senator-elect **GOOLEY**, to the Governor's Office for the purpose of taking and subscribing to the oaths of office required by the Constitution.

The Sergeant-At-Arms escorted the Senator from Washington, Senator **RAYE**, and the Senator-elect from Franklin, Senator-elect **GOOLEY**, to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Washington, Senator **RAYE**, reported that he had attended to the duties with which he was charged and was pleased to report the Senator from Franklin, Senator **GOOLEY** had, before the Governor, taken and subscribed to the oaths of office required by the Constitution. Thereupon, Senator **GOOLEY** of Franklin took his seat in the Senate Chamber.

THE PRESIDENT: Just when you thought you were done with speeches, please bear with me for just a few moments. I brought my own grandchildren to remind me that you've been sitting here for a very long time. If they start squirming I will cut my remarks a little short because I know how important it is for you to be with your families and to celebrate.

There is one other remark I'd like to make as I had the privilege of sitting over in the Senator from Franklin, Senator Gooley's chair. The Senior Senator now from Aroostook, Senator Sherman, said, 'Do you have a joke?' I do now because the next thing he asked me was, 'When are we going to get some Senate Presidents who were born in Maine?' Since I can't talk like the good Senators from Washington or Aroostook, I will say this, I didn't have the good fortune of being born in Maine but I came here just as quickly as I could. I brought two young children with me who think they are Mainers and I have two who were born here. They will count, probably, in three or four generations.

I am so extraordinarily honored and I want to particularly thank my good friend, the Senator from Penobscot, Senator Perry. What he didn't tell you is that when he first thought about running for office I found him, with his brother, working in a grocery store and knew he'd be a great legislator. He's here and I'm so proud. Maybe he's not the youngest, I don't know, but to

the Senator from Sagadahoc, Senator Goodall, it is so good to have you here and I so appreciate the kindness of your remarks. I look forward to fresh ideas and new faces as we go through this journey together. I can't thank enough the good Senator from Washington, Senator Raye, for being kind enough to offer the remarks of the loyal opposition. We are going to be working together. We are going to share our principled partisanship with respect and camaraderie with one another. As I sat by my good friend from Penobscot, Senator Plowman, we reminisced about my time as Speaker of the House, when I used to glare at her because she had a little baby in her lap named Olivia, who is now 13 years old. At any rate, many of us have long relationships. Many of us are just learning. The point is that we are all here for one reason, to serve the State of Maine. I cannot tell you how grateful I am, how humble, and I so appreciate the responsibility that you have entrusted me with and I pledge to you my utmost efforts.

I would be remiss if I didn't take a moment to reflect upon how unremarkable it is to elect a woman President of the Maine Senate. All of you know the two distinguished Presidents who preceded me, Senator Bev Daggett of Augusta and Senator Beth Edmonds of Freeport. From the other end of the hall, and perhaps just now, another wonderful, talented young woman from Maine is being sworn in as Speaker of the House and her mother will soon be sworn in as a Congresswoman from Maine's 1st District. We had a woman re-elected to the United States Senate. She will be joining another woman. Maine has two women serving in the United States Senate. Yesterday, in caucus, we nominated the first ever woman Attorney General for the State of Maine. To be sure, the election of women to positions of leadership wasn't easy. We are where we are today because Maine people put results before prejudices, talent before convention, and a dedication to Maine people over the shackles of the past.

We have invited our family and friends here today to commemorate this historic accomplishment and celebrate our good fortune. It is important to take a few moments to savor this. There is nothing more important than being surrounded by the people who helped you get here, but we only have a very brief time to enjoy this moment, so I hope you will enjoy every minute of this day.

The 35 members of this Body are here because we believe that we can make a difference. We arrive here, as my good friend Paul Cates said, in the midst of an economic crisis. State Government revenues are slipping while at the same time demand for State services are rising for healthcare, higher education, economic development, and housing. I didn't ask permission to quote her, but I was so struck by this and I think this applies to our institution as well as to the University. Selma Botman, the new President of the University of Southern Maine, articulately illustrated the magnitude of the problem and she outlined a solution. She said, 'Today we are faced with a storm of epic proportions. Throughout my career in public higher education I've been a builder, someone who works to make dreams a reality. Today I face a responsibility that is as excruciating as it is unavoidable; guiding the academic community through a wrenching adjustment to a new financial reality. We must seek new ways of doing business that enhance our ability to sustain what we most value and to ensure that our core values thrive.' Florida, Virginia, and Georgia are just a few other states that are facing deficits in the billions.

The people of this state trust us to work together. They understand that when times are tough neighbors and communities come together and they expect the same thing of us as legislators. I'm so fortunate to be working with my good friend, Republican Minority Leader Kevin Raye of Washington County. He did, indeed, do a wonderful job on the Health and Human Services Committee last year when the budget was tough, but he always tried to protect the most vulnerable while trying to find creative ways to solve the problem and he makes one heck of a mustard in his business. In addition to that I'm so honored to work with Senator Jon Courtney, the Assistant Minority Leader. He's also shown a great willingness to work across party lines and his passion and commitment to economic development will serve us well as we move into a 21st Century economy. Thank you both.

We are lucky to have Governor John Baldacci, who time and time again has demonstrated a commitment to reform. We may not have always agreed with his reform efforts, but he told us we have to do things differently and we are trying. We are trying valiantly. Our talented Democratic leaders, my good friend Senator Phil Bartlett of Cumberland and Senator Lisa Senator Marraché of Kennebec join me in calling on all of you legislators, Republican or Democrat, Northern Maine or Southern Maine, freshman or veteran, to come together in a spirit of cooperation and solve the painful problems we face. The challenges are daunting, but the opportunities are legion. I was struck by a recent comment of Rahm Emanuel, President-elect Obama's new Chief of Staff, who said, 'You never want a serious crisis to go to waste and what I mean by that is an opportunity to do things you think you could not do before.' I had an experience of this sort with a crisis that occurred in Maine in the recession of the 1990's as House Chair for the Committee on Banking and Insurance. Our committee was thrown into that cauldron of a failed Workers' Compensation system. We struggled mightily to change the system while at the same time protecting workers. Our committee proposed a reform that would help employers become proactive in worker safety. Later the Governor's Blue Ribbon Task Force on Workers' Compensation Reform embraced those fundamentals. Out of that proposal the Maine Mutual Insurance Company, that we know as MEMIC, was formed. Today, as a result of this reform, Maine has seen its Workers' Comp costs go from some of the highest in the nation to the middle of the pack. This could not have been achieved in the absence of an economic crisis. It took the bottom falling out of the system to muster the will for real reform.

Another crisis that presented an opportunity back then was the energy shock of the 1970's. It pushed Maine, and read your history books, to lead the nation in energy saving and energy independence measures. Then gas prices fell, we forgot about the problem, and we were caught off guard and history repeated itself earlier this year when the fuel prices shot back up. Now, here we are, gas prices and interest rates have fallen again, but we cannot let the opportunity slip through our hands. The Speaker and I plan to introduce an order establishing a Joint Select Committee on Energy made up from the standing committees of jurisdiction. This committee will harness the talents of legislators from both Bodies who will work together to identify opportunities to advance a greener Maine. We must capitalize on these opportunities before us and carry out the fundamental mission of government by tending to the needs of our most vulnerable and insuring that all people have access to

clean air, water, safe transportation, great schools, and our amazing quality of life.

We must also recognize that no political party or one single elected official has a monopoly on good ideas. We must listen, first and foremost, to the thoughts, the concerns, the positions, and the hopes and aspirations of the people we represent. A young waitress at a local restaurant heard me talking, of course I do this a lot, about politics over coffee last week. She didn't mean to eavesdrop but couldn't help herself. She came running over and she said, 'I have a great idea. My health insurance is totally unaffordable. I have kids and I'm a waitress. I work hard every day and my out-of-pocket costs are too high.' She wanted a solution that everybody paid and everybody got something back. She had no idea how to do that, but she thought that those of us who listen could sit down and figure out, both with the federal government and our own ingenuity, how to come up with a way so that the waitresses of the world, as well as the business executives, have great healthcare. Listen to your constituents. My first postcard of my campaign was so simple it's embarrassing when looking at how complicated things are today. All it said was, 'Libby Listens.' I hope that you will find that to be a hallmark because I learn as I listen to you and to my grandchildren. They always tell me when I'm doing something totally ridiculous.

I also challenge you to take every opportunity to promote Maine. I feel like I, instead of the lovely Pat Eltman, am the Queen of Tourism today. We live in a great place and we should never hesitate to stand on the tallest mountains and tell the world about Maine's virtues. Perhaps that is because I chose Maine and I've been here since 1971, living in the same 1840's farmhouse, and you couldn't move me an inch.

As many of you know, Boston Financial recently moved into the old MBNA building in Rockland, bringing with them close to 250 jobs. There were dozens of communities courting Boston Financial, but their CEO said, 'It's not this beautiful building. I can build a beautiful building anywhere.' It was Maine's extraordinary and talented workforce, access to local, state and federal government officials, and commonsense tax policies like Pine Tree Zones as the reasons he chose Maine. Surely there are other companies who would be just as attracted if we told the right story. Unfortunately there are too many lobbyists, state leaders, and pundits who have taken to trashing Maine in order to advance a very narrow agenda. A cottage industry has sprung up in many corners to proclaim bad news about all things Maine. This practice is counterproductive and there are 250 reasons in Rockland that demonstrate that. Maine's a great place to live. Our natural beauty and quality of life are unmatched but it is our people that make it special. We believe in family, hard work, and community. Maine people may have trouble asking for help, but they have no trouble offering it. All our people want is an opportunity for a better tomorrow and we will ensure a better tomorrow by making some smart investments that create jobs. Investments in research and development, biotechnology, and energy efficiency; investments in roads, bridges, and rural broadband; and investments in our human capital, a world-class education system and increased access to healthcare. I know we will try to do our best. In uncertain times we have to have the courage to try new things. I thank the Senator from Penobscot, Senator Perry, for talking about willingness to take risks. Please don't be risk-averse this session. Franklin Roosevelt said, 'The country demands bold, persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly, and try another. Above all, try something.' All of us in this chamber

are in for an exciting and unpredictable ride. I'll look at the Chair of Transportation and say, 'Fasten your seatbelts.' I ask for all of your help in finding the right answers and, I think this is probably one of the most important things I can leave with you today, create an atmosphere of mutual trust which we have begun with some of the ceremony that brings us here to this very august chamber, which makes most of us tear up when we think about the honor of serving here.

Thank you again for your vote of confidence. Now let's get to work.

Off Record Remarks

THE PRESIDENT: Nominations are now in order for the Office of Secretary of the Senate of the 124th Legislature.

Senator **HOBBS** of York **NOMINATED JOY J. O'BRIEN** of Portland for the Office of Secretary of the Senate of the 124th Legislature.

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

Senator **HOBBS:** Thank you, Madame President. Congratulations. It is hard for me to believe that 36 years ago, just about this time, I was sworn in to the legislature in 1972 at the ripe age of 21. At that time I also had the honor of serving with a fellow colleague by the name of Jack O'Brien. It was 36 years ago, at that swearing in of the 106th Maine Legislature, that I first met Jack O'Brien's daughter, Joy O'Brien. Joy O'Brien has demonstrated to me during my years of service in both the House and the Senate that she exemplifies what a public servant should be. This trait surely runs in her family. Her qualifications and resume are unmatched for the position of Secretary of the Senate. Joy has served 28 years in the Maine Senate, 23 of those as the Secretary of this Body. During this time she has served under seven Senate Presidents and five Governors. Besides all of that, she is also a prominent member and respected member of the American Society of Legislative Clerks and Secretaries. In an era of term limits, Joy O'Brien holds the history of the Maine Senate. She holds it and she's a keeper of it. Joy O'Brien is resilient. She is reliable. Yes, she is very smart. She understands and respects the legislative process and she is an excellent parliamentarian as well as a very skilled administrator. It does not make any difference, as you all know who have served under her and with her, whether you are a Republican or a Democrat, you will get the same courtesy, the same respect, and the same service from her. She is the consummate professional.

Four years ago a former colleague of this Body, Senator Lynn Bromley of Cumberland, shared some remarks in a conversation she had with Joy. I'd like to just give some of those comments that I thought were very appropriate when I was putting together these remarks. Lynn Bromley, who was a very good friend of Joy, basically said, 'So, Joy, what do you like about this job, of being Secretary of the Senate?' Joy's response, which I think is not unusual in her modest way, was, 'A lot of history is made here, right here in this Body. A lot of good is done in this

Chamber and I am proud to serve the people of Maine in some small way.' This, I think, sums up the character and the modesty of Joy O'Brien.

I would hope that you could join with me today in supporting the nomination of Joy J. O'Brien for the position of Secretary of the Maine State Senate. Thank you.

THE PRESIDENT: The name of Joy J. O'Brien of Portland has been placed in nomination for the Office of Secretary of the Senate. Is there a second?

Nomination seconded by Senator **DAMON** of Hancock.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Chamber, as I enter my fourth and final term in this august body I have recognized in reflecting back upon my time here how important it is for us, for all of us, to know, to remember, and to understand how this chamber really works. The importance of what we do each day isn't tied up, necessarily, in how we feel on that particular day but rather it is encompassed in what has gone on in this chamber before us and, indeed, what we set on the table to go on in this chamber afterwards. Secretary of the Senate Joy J. O'Brien has, for me, demonstrated, told me, and taught me all that's gone on here and continues to do that. For the new members of this 124th Legislature, she will be invaluable to you as you come to understand the protocol and the procedure that is the Senate of the State of Maine. I urge you to go to her, to listen to her, and to understand what she has to give.

It has been mentioned her extreme knowledge, unquestioned knowledge, as a parliamentarian. I think back into a previous legislature when I would watch and listen to Joy wrangle with a former member of this chamber, who is now taking residence further down the hall. To listen to that debate about parliamentary procedure was absolutely captivating, not only for the knowledge that each of them possessed but also for the insistence that each of them possessed as that argument ensued. More often than not Joy would win out in that debate. I could not think of a finer person to be the Secretary of this chamber as we move into our 124th session than Joy J. O'Brien of Portland and I urge you to join me as we support the pending motion and elect Joy J. O'Brien as our Senate Secretary. Thank you, Madame President.

On motion by Senator **COURTNEY** of York, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Joy J. O'Brien of Portland for the Office of Secretary of the Senate for the 124th Legislature.

This being done, **JOY J. O'BRIEN** of Portland was duly elected Secretary of the Senate of the 124th Legislature.

The Chair requested the Senator from York, Senator **HOBBS**, the Senator from Hancock, Senator **DAMON**, and the Senator from York, Senator **COURTNEY**, escort the Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of

Secretary of the Senate. The Sergeant-At-Arms escorted the Senator from York, Senator **HOBBS**, the Senator from Hancock, Senator **DAMON**, and the Senator from York, Senator **COURTNEY**, and Secretary-elect **JOY J. O'BRIEN** of Portland to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from York, Senator **COURTNEY**, reported that they had attended to the duties with which they were charged and were pleased to report that **JOY J. O'BRIEN** of Portland had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Secretary of the Senate of the 124th Legislature.

THE PRESIDENT: Nominations are now in order for the Office of Assistant Secretary of the Senate of the 124th Legislature.

Senator **BOWMAN** of York **NOMINATED JUDITH M. DELFRANCO** of Fairfield for the Office of Assistant Secretary of the Senate of the 124th Legislature.

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

Senator **BOWMAN:** Thank you, Madame President. I thought I knew Judi DelFranco over this last two years. Whenever I had a technical problem, or any other problem, I went to see her. In preparing for my remarks today I asked her for a biography. I will sum up her biography with one word and that word is 'wow'. In difference to her and to you, I will not read her biography but it is impressive.

Judi and her staff have a remarkable philosophy and practice as they go about their work and that is they will do whatever it takes to get the job done and to fix whatever problem you have. I've tried to live my life that way but I can't measure up to Judi and her staff in the way that they do that. To use a baseball metaphor, Judi's like an all-star utility infielder. She can 'play' or assume the role of any position in this chamber, including the Secretary. Although it's not in her job description, I suspect that she could, again using a baseball metaphor, 'be a pinch hitter' for every one of us here and do remarkably well.

Since her arrival in the Senate, working for Secretary O'Brien, Judi has spent her time providing the public with legislative information and providing for the rest of us in the Chamber the ability to do our job in a more effective and more efficient manner. We could not do what we do how we do it without Judi DelFranco. In the 23 years that she has worked here, with a slight gap of two years, she has worked to create the visible things such as roll calls and the board, and somewhat invisible things as exemplified by the streaming audio and streaming video, if you are so inclined to use the internet. Her contribution is immeasurable.

Her professional life had a little rough start, I won't go into the details. Many of our professional lives started that way, but Judi, in a few years, got her train on the track and has never looked back. She has continually moved forward to improve her professionalism and her knowledge. Judi came to Maine in 1982 in order to provide a better place for her children to grow up. In 1985 Secretary O'Brien realized that it would be a really good idea that it would be nice, necessary, to have someone on her staff that knew a lot about the coming age of the computer. Now it's a no brainer today but it was profound back then. Judi got her start in computing back in the 1970's when most of us didn't know how to spell computer and when Wang dominated. Remember those days? That's a long time ago.

Judi is a truly remarkable woman. I know it's been said before, but I want to hammer it home one more time because sometimes, I've learned, you need to hear it six or seven times before it really sinks in, women are taking over. It's a little hard for us to get used to that but we'd better get used to it because it's here. It's now. It's going to get even more so as time goes on, I have the feeling. Maine is a leader in that regard and I'm damn proud of that. It is with immense pleasure that I place in nomination the name of Judi DelFranco as the Assistant Secretary of the Senate and I ask for your strong and unanimous support. Thank you.

At this point, a message was received from the House of Representatives borne by Representative BERRY of Bowdoinham, informing the Senate that the House had organized by the choice of HANNAH M. PINGREE of North Haven, as Speaker of the House, MILLICENT MACFARLAND, of Augusta, as Clerk of the House, and MICHAEL J. COTE, of Windsor, as Assistant Clerk of the House of the 124th Legislature and was ready to transact such business as might come before the House.

THE PRESIDENT: The name of Judith M. DelFranco of Fairfield has been placed in nomination for the Office of Assistant Secretary of the Senate. Is there a second?

Nomination seconded by Senator **SCHNEIDER** of Penobscot.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. Just like all of you, our guests, and our welcomed family, who support us at home and during our campaigns, and we are all so grateful to all of you for that, we are grateful too for the immense support that we get from the incredible staff that we have under the dome.

My colleague from York, Senator Bowman, covered many of Ms. DelFranco's achievements, however there is one I wish to point out which is very exemplary of her innovation; that is that Judi created one of the first in the country data entry programs to print roll calls, resulting in the faster turn-around of information to the public and a lot of stress on the staff at the late night office has been lifted because of this innovation.

Judi is an important person and integral to our surroundings here. She is one of the outstanding people who quietly, behind the scenes, innovates, creates, and supports us to make our

government strong and effective. Ms. DeFranco is this person and embodies these qualities. John William Gardiner, President of the Carnegie Corporation, Secretary of Health and Education and Welfare under Lyndon Johnson, founder of Common Cause and Independent Sector, said these words, 'Some people have greatness thrust upon them. Few have excellence thrust upon them. They achieve it. They do not achieve it unwittingly by doing what comes naturally and they don't stumble into it in the course of amusing themselves. All excellence involves discipline, tenacity of purpose.' This statement embodies the qualities of Judi DeFranco and I urge unanimous support from this Body for her re-election. Thank you, Madame President.

On motion by Senator **COURTNEY** of York, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Judith M. DeFranco of Fairfield for the Office of Assistant Secretary of the Senate for the 124th Legislature.

This being done, **JUDITH M. DELFRANCO** of Fairfield was duly elected Assistant Secretary of the Senate of the 124th Legislature.

The Chair requested the Senator from York, Senator **BOWMAN**, the Senator from Penobscot, Senator **SCHNEIDER**, and the Senator from York, Senator **COURTNEY**, escort the Assistant Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of Assistant Secretary of the Senate. The Sergeant-At-Arms escorted the Senator from York, Senator **BOWMAN**, the Senator from Penobscot, Senator **SCHNEIDER**, the Senator from York, Senator **COURTNEY**, and Assistant Secretary-elect **JUDITH M. DELFRANCO** of Fairfield to the Governor's Office.

Subsequently, the Senator from York, Senator **BOWMAN**, reported that they had attended to the duties with which they were charged and were pleased to report that **JUDITH M. DELFRANCO** of Fairfield had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Assistant Secretary of the Senate of the 124th Legislature.

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

ORDERS

On motion by Senator **MARRACHÉ** of Kennebec, the following Senate Order:

S.O. 9

Ordered, that a message be sent to the House of Representatives, informing that Body that the Senate has organized by the choice of Elizabeth H. Mitchell of Kennebec County as President; Joy J. O'Brien of Portland as Secretary of the Senate; and Judith M. DeFranco of Fairfield as Assistant Secretary of the Senate of the 124th Legislature and is ready to transact such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **MARRACHÉ** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Kennebec, Senator **MARRACHÉ** reported that she had delivered the message with which she was charged.

COMMUNICATIONS

The Following Communication: S.C. 2

STATE OF MAINE

Office of the Secretary of State

December 3, 2008

To the President of the Senate in the One Hundred and Twenty-fourth Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Senators at the General Election held on the fourth day of November in the year Two Thousand and Eight;

REPORT AS FOLLOWS; that the following named persons having received a plurality of the votes cast, appear to have been elected:

<u>District 1</u>	
ANDREWS, MARY BLACK, York	9,939
BOWMAN, PETER B., Kittery	12,104
<u>District 2</u>	
BURNS, RICHARD J., Berwick	10,352
NASS, RICHARD A., Acton	10,786
<u>District 3</u>	
COURTNEY, JONATHAN T.E., Sanford	9,583
STACKPOLE, ROBERT G., Sanford	9,031
<u>District 4</u>	
BRYANT, KRISTI A., Kennebunkport	6,585
SULLIVAN, NANCY B., Biddeford	13,179

LEGISLATIVE RECORD - SENATE, WEDNESDAY, DECEMBER 3, 2008

District 5

CUSHING, JOHN W., Saco 7,333
 HOBBS, BARRY J., Saco 13,677

District 6

BARTLETT, PHILIP L. II, Gorham 12,154
 CSOROS, PHILLIP A., Gorham 9,024

District 7

BLISS, LAWRENCE STEVEN, South Portland 13,584
 DUNNE, THOMAS J., Cape Elizabeth 8,300

District 8

ALFOND, JUSTIN L., Portland 11,705
 LINNELL, WILLIAM S., Portland 4,153
 LUSK, ERIC B., Portland 2,789

District 9

BRANNIGAN, JOSEPH C., Portland 13,827
 MCGEE, NICHOLAS S., Portland 6,336

District 10

BERGQUIST, JASON, Brunswick 3,498
 GERZOFKY, STANLEY J., Brunswick 11,143
 GILLIS, CODY A., Brunswick 5,353

District 11

DAVIS, GERALD M., Falmouth 12,008
 HULIT, JEANNE A., Falmouth 11,647

District 12

DIAMOND, G. WILLIAM, Windham 14,395
 GOLEBIEWSKI, THOMAS M., Raymond 5,388
 WILLEY, LISA HAZEL, Casco 1,664

District 13

HASTINGS, DAVID R. III, Fryeburg 11,782
 VILLA, LISA RENEE, Harrison 9,342

District 14

BRYANT, BRUCE S., Dixfield 13,102
 HOLMES, GLEN E., Buckfield 7,090

District 15

SIMPSON, DEBORAH L., Auburn 10,058
 SNOWE-MELLO, LOIS A., Poland 9,954

District 16

CRAVEN, MARGARET M., Lewiston 12,241
 TROUP, COREY, Lewiston 3,940

District 17

NUTTING, JOHN M., Leeds 12,892
 PACK, RUSSELL W., Turner 7,199

District 18

GOOLEY, WALTER R., Farmington 11,230
 WOLOSON, ANN L., Belgrade 10,642

District 19

BENOIT, PAULA I., Phippsburg 10,957
 GOODALL, SETH A., Richmond 11,119

District 20

RINES, PETER L., Wiscasset 10,663
 TRAHAN, A. DAVID, Waldoboro 12,243

District 21

BENOIT, SHARON, Monmouth 9,960
 MCCORMICK, EARLE L., West Gardiner 11,686
 Others 5

District 22

MIRAMANT, DAVID, Camden 9,101
 RECTOR, CHRISTOPHER W., Thomaston 11,049
 Others 41

District 23

MESSER, DIANE H., Liberty 9,497
 WESTON, CAROL, Montville 11,577
 Others 40

District 24

DAVIS, KIMBERLY J., Augusta 7,208
 MITCHELL, ELIZABETH H., Vassalboro 12,321

District 25

HUTCHINS, BRENT, Albion 6,519
 MARRACHE, LISA TESSIER, Waterville 10,933

District 26

MILLS, S. PETER, Cornville 11,788
 SEZAK, ROBERT, Fairfield 6,458

District 27

MACKEY-ANDREWS, SUSAN D., Dover-Foxcroft 8,360
 SMITH, DOUGLAS M., Dover-Foxcroft 10,172

District 28

DAMON, DENNIS S., Trenton 14,466
 REMICK, MARK S., Trenton 8,267

District 29

JOHNSON, KAREN, Machias 5,168
 KADEY, DANA W., No. 21 Twp. 1,449
 RAYE, KEVIN L., Perry 11,418

District 30

CARR-WINOCOUR, VALERIE J., Old Town 5,705
 SCHNEIDER, ELIZABETH M., Orono 13,210

District 31

DEANE, DEBORAH D., Brewer 8,848
 ROSEN, RICHARD W., Bucksport 11,962

District 32

PERRY, JOSEPH C., Bangor 10,286
 SAWYER, W. TOM JR., Bangor 8,226

District 33

BELAND, WANDA L., Newport 7,109
 PLOWMAN, DEBRA D., Hampden 13,795

District 34

LUNDEEN, JACQUELINE A., Mars Hill 8,632
SHERMAN, ROGER L., Hodgdon 9,153

District 35

DEVEAU, DANIEL V., Cyr Plantation 6,593
JACKSON, TROY DALE, Allagash 11,188

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senators at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/MATTHEW DUNLAP
Secretary of State

READ and REFERRED to the Committee on **SENATORIAL VOTE.**

The Following Communication: S.C. 3

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

December 1, 2008

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

Dear President Edmonds:

The following is a summary of the results of the June 10, 2008 Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: Bond Issue
Number of Votes in Favor 101,171
Number of Votes Opposed 71,822

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 4

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

December 1, 2008

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

Dear President Edmonds:

The following is a summary of the results of the November 4, 2008 Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: People's Veto
Number of Votes in Favor 462,818
Number of Votes Opposed 253,026

Question 2: Citizen Initiative
Number of Votes in Favor 333,685
Number of Votes Opposed 389,251

Question 3: Bond Issue
Number of Votes in Favor 353,497
Number of Votes Opposed 349,662

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MARRACHÉ** of Kennebec, the following Senate Order:
S.O. 2

Ordered, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 2009 and 2010 shall be referred for examination and report.

READ and PASSED.

ORDERS

Senate Order

On motion by Senator **BARTLETT** of Cumberland, the following Senate Order:

S.O. 3

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State for the political years 2009 and 2010, a State Treasurer for the political years 2009 and 2010, an Attorney General for the political years 2009 and 2010, and a State Auditor for the political years 2009 through 2012 at 2:00 in the afternoon.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **BARTLETT** reported that he had delivered the message with which he was charged.

On motion by Senator **MARRACHÉ** of Kennebec, the following Senate Order:

S.O. 4

Ordered, that the Rules of Senate of the 123rd Legislature shall be the Rules of the Senate of the 124th Legislature. Amendments to the Senate Rules may be adopted by a majority vote on or before the third Friday in January of 2009.

READ and PASSED.

On motion by Senator **RAYE** of Washington, the following Senate Order:

S.O. 5

Ordered, that the Secretary of the Senate be authorized to invite the clergy to officiate as Chaplains of the Senate as requested by any member of the Senate; and be it further

Ordered, that all clergy acting as Chaplains of the Senate shall receive \$30 for each officiation. The same is to be approved by the Secretary of the Senate.

READ and PASSED.

On motion by Senator **MARRACHÉ** of Kennebec, the following Senate Order:

S.O. 6

Ordered, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a

member of the Committee on Appropriations and Financial Affairs or the presiding officer, be placed on a special calendar to be called up for consideration only by the same.

READ and PASSED.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

At this point a message was received from the House of Representatives, borne by Representative PIOTTI of Unity informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 2:00 in the afternoon for the purpose of electing a Secretary of State for the political years 2009 and 2010, a State Treasurer for the political years 2009 and 2010, an Attorney General for the political years 2009 and 2010, and a State Auditor for the political years 2009 through 2012.

On motion by Senator **BARTLETT** of Cumberland, the following Senate Order:

S.O. 7

Ordered, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation or the presiding officer, be placed on a special calendar to be called up for consideration only by the same.

READ and PASSED.

On motion by Senator **COURTNEY** of York, the following Senate Order:

S.O. 8

Ordered, that the President of the Senate is authorized, at his or her discretion, to permit radio or sound television film or live television, or any two or three of these communication media, on the floor of the Senate.

READ and PASSED.

Joint Orders

On motion by Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 1

Ordered, the House concurring, that the Joint Rules of the 123rd Maine Legislature shall be the Joint Rules of the 124th Maine Legislature. Joint Rules may be amended by a majority vote, in each chamber, on or before the third Friday in January, 2009.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARRACHÉ** of Kennebec, the following Joint Order:

S.P. 2

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, January 7, 2009, at 10:00 the morning.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 3

Ordered, the House concurring, that there be paid to the members of the Senate and the House of Representatives as advances on account of compensation established by statute, 11 payments on a biweekly basis commencing January 7, 2009, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **RAYE** of Washington, the following Joint Order:

S.P. 4

Ordered, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to prepare weekly, from expense accounts to be submitted to him by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to

the mileage and expenses for members of the Legislature; and be it further

Ordered, that the Executive Director of the Legislative Council be authorized and directed to provide the forms necessary for such purpose and provide suitable space in his office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 5

Ordered, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House of Representatives and Representatives from the Indian Tribes, to points within the limits of the State of Maine. The privilege granted to be a personal privilege not to be exercised by other than the members or representatives, that each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, may be provided with a prepaid phone card under the direction of the Secretary of the Senate and Clerk of the House, respectively; and be it further

Ordered, that the President of the Senate or Speaker of the House, may upon a finding of abuse of the privilege of telephone service by a member of the Senate or a member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that member.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARRACHÉ** of Kennebec, the following Joint Order:

S.P. 6

Ordered, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 7

Ordered, the House concurring, that the Secretary of the Senate and the Clerk of the House respectively, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and House, respectively.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARRACHÉ** of Kennebec, the following Joint Order:

S.P. 8

Ordered, the House concurring, that a sufficient number of the Legislative Record for the 124th Legislature be printed, one copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and the Clerk of the House. The remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

Ordered, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order: H.P. 1

ORDERED, the Senate concurring, that the Speaker of the House is authorized, at her discretion, to permit radio or television in the Hall of the House of Representatives during joint conventions of the Legislature.

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

READ and PASSED, in concurrence.

The following Joint Order: H.P. 2

ORDERED, the Senate concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Clerk of the House, receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills; and be it further

ORDERED, that any tax supported public library may upon written request to the Clerk of the House receive without charge copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills.

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

READ and PASSED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 3

ORDERED, the Senate concurring, that there be prepared by the Legislative Information Office, under the direction of the Secretary of the Senate and the Clerk of the House, after adjournment of the present session, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed sufficient copies to meet the needs of the Legislature. A copy shall be mailed to each member and officer of the Legislature and the State Law and Legislative Reference Library.

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

READ and PASSED, in concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **DIAMOND** of Cumberland (Cosponsored by Speaker PINGREE of North Haven, Senators: President MITCHELL of Kennebec, ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of

Kennebec, MCCORMICK of Kennebec, MILLS of Somerset, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo, Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, MCCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MITCHELL of Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport,

WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick), the following Joint Resolution:

S.P. 9

WHEREAS, We, the Members of the 124th Legislature, representing the people of the State of Maine, unite to say as strongly and clearly as possible that we do not condone and, in fact, we denounce any statement promoting the assassination of any public officials, including the President or the President-elect of the United States; and

WHEREAS, We, the Members of the 124th Legislature, representing the people of the State of Maine, totally reject any and all efforts that suggest, whether by a tasteless joke or with a violent purpose, the promotion of violence to any person, including the President or the President-elect of the United States; and

WHEREAS, the attitudes and images associated with the public display of signs encouraging violent acts to human beings are not reflective of the character and moral fiber of the people of the State of Maine; and

WHEREAS, the people of the State of Maine reject and wholeheartedly oppose the intent, the purpose and the existence of messages and signs of hate and violence; and

WHEREAS, the people of the State of Maine appreciate, support and honor First Amendment constitutional protections barring governmental regulation or abridgment of speech based on its message, its ideas, its subject matter or its content; and

WHEREAS, the people of the State of Maine understand that government suppression of free speech can threaten the healthy exchange of ideas indispensable to an open and vibrant society, and we also know that the most powerful way to counteract hateful, offensive speech is through more speech and discussion; and

WHEREAS, the people of the State of Maine do not and will not stand by quietly in light of such deplorable acts, and we take this opportunity to say unequivocally that words of hate, support of violence and jokes about assassination are unacceptable in this State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity with a unified and determined effort to reject all acts and suggested acts of hate and violence against any person of any race, whether that person be in a public or private position.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Madame President. Thank you very much for allowing me to present this Joint Resolution. I realize it's a little unusual. Since the most recent Presidential election in Maine, as well as some other states, we've

experienced some despicable incidents of hate, encouraged violence, and racism. Many of these deplorable actions have been directed at President-elect Obama and to others as well. In my Senate district the news media reported a witnessed incident. A sign was placed in a public location that took \$1 bets on when President-elect Obama would be assassinated. Along with that sign was an accompanying note that said, 'We hope someone wins.' This Joint Resolution is a strong declaration that this legislature, on behalf of the people of the State of Maine, unequivocally rejects and denounces this type of action and we do so in a unified voice because it does not reflect Maine citizens and it does not reflect the citizens of my district. We understand free speech. It's not our intent to in any way get in the way of free speech through government suppression. This resolve, however, does not do that. This resolve speaks back and we will speak out as Democrats and as Republicans. We will speak out as young and as old. We will speak out as rich and as poor. We will speak out from all ethnic backgrounds. We don't accept this heinous action and we stand united against it today and all of the tomorrows. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I rise today to thank the good Senator from Cumberland for bringing this forward. I think this transcends politics. It transcends this institution. It really transcends mankind. My family has actually been on the receiving end of some of this racism in the past. My mother, who is here from Arizona today, is married to an African-American and has been married to him for the last 25 years. Ken is as good a person as you'll ever meet in the world and we're just so pleased and blessed that he's part of our family. What they found over the years is that racism is not overt, it's covert. The times are changing but people's minds, unfortunately, in some cases aren't there yet. We have much work to do for that and I think education and trying to treat people like we want to be treated goes a long way. I know that on this side of the aisle these types of heinous crimes and intimidations will never be tolerated. I want to make that really clear. I think that probably Martin Luther King said it best, one should not be judged by the color of their skin but by the content of their character. I appreciate the chance to speak very briefly and I appreciate you bringing the resolution forward. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I, too, rise in support of the resolution and I thank the Senator from Cumberland, Senator Diamond, for introducing it here today. I am proud to have my name as one of the sponsors of that resolution. I am proud to have it there as an individual and I'm proud to have it there as a representative from the people of Senate District 28. In my district there occurred after that said election an incident that I don't know if it was intended to be humorous or hateful. In either event it is time for us to speak back to it and any other actions or words that are hateful in our society, whether it be words and actions that are hateful towards race, whether they are hateful towards gender, or whether they are hateful towards any other aspect of our society.

We come here representing the people of the state of Maine and it is not that minute minority that should be having the voice of hate and discontent and imparting fear into the hearts of those people who are targets of such remarks. It is our resolve, it is my resolve, to make sure that we stand up to that kind of comment. I'm very pleased that we have this before us today and I urge unanimous passage of the resolution. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **McCORMICK:** Thank you, Madame President. Ladies and gentlemen of the Senate, gathered family and friends that are still with us this morning, I rise today in support of this Joint Resolution. As many of you know, there was a recent hate incident on the rail trail in my district that drew statewide media attention. When we figure and consider how easy it is to research news items on the internet, you know it's gained national attention as well. It is very important for us to make a statement that these acts of intolerance are not acceptable and that they do not reflect the values of the people of Maine. I thank the Senator from Cumberland, Senator Diamond, for bringing forth this resolution and I urge your unanimous support. Thank you, Madame President.

On motion by Senator **DIAMOND** of Cumberland, **ADOPTED.**

Sent down for concurrence.

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

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

Off Record Remarks

On motion by Senator **MARRACHÉ** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Wednesday, January 7, 2009, at 10:00 in the morning.