

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

In Senate Chamber  
Tuesday  
March 28, 2006

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

Prayer by Senator Mary Black Andrews of York County.

**SENATOR ANDREWS:** Good morning. This morning I'm  
offering some more thoughts from Peter Marshall.

Oh God, our Father, we pray that the people of this state and  
of America who have made such progress in material things may  
now seek to grow in spiritual understanding, for we have  
improved means but not ends. We have better ways of getting  
there, but we have no better place to go. We can save more  
time, but we are not making any better use of our time. We need  
Thy help to do something about the world and the state's true  
problems: the problem of lying, which is called propoganda; the  
problem of selfishness, which is called self interest; the problem  
of greed, which if often called profit; the problem of license  
disguising itself as liberty; the problem of lust masquerading as  
love; the problem of materialism, the hook which is based with  
security. Hear our prayers, oh Lord, for the spiritual understand,  
which is better than political wisdom, that we may see our  
problems for what they are. Amen.

Doctor of the day, James Pisini, MD of Cumberland Foreside.

Reading of the Journal of Monday, March 27, 2006.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act Making Improvements to the Laws Regarding Local  
Land Use Ordinances"

H.P. 1080 L.D. 1535  
(C "B" H-833)

In House, March 21, 2006, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-832).**

In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "B" (H-833), in  
NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A  
COMMITTEE OF CONFERENCE.**

On motion by Senator **COWGER** of Kennebec, the Senate  
**INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE.**

**Non-Concurrent Matter**

Bill "An Act To Update Licensing and Certification Requirements  
for Child Care Facilities and Family Child Care Providers"  
H.P. 1327 L.D. 1887  
(C "A" H-813)

In Senate, March 21, 2006, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-813), in  
concurrence.**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-813) AS  
AMENDED BY HOUSE AMENDMENT "A" (H-884)** thereto, in  
**NON-CONCURRENCE.**

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

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

**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

The members of the Hebron Academy Boys Hockey Team, on  
their winning the 2006 New England Prep School Ice Hockey  
Association Division II Championship. We extend our  
congratulations to the team on this accomplishment;

SLS 1022

Sponsored by Senator **DIAMOND** of Cumberland.

Cosponsored by Senator: **BRYANT** of Oxford, Representative:  
**BRYANT-DESCHENES** of Turner.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from  
Oxford, Senator **Bryant**.

Senator **BRYANT:** Thank you, Madame President and men and  
women of the Senate. I want you to join me today in  
congratulating the Hebron Academy Boy's Hockey Team on their  
winning of the 2006 New England Prep School Ice Hockey  
Association Division II Championship and would also like to say  
one of the bonuses of this is that they beat the state of New

Hampshire. We like that. We'd like to congratulate them and I'm wondering if the President would allow the Senator from Cumberland, Senator Diamond, and myself to present to the Head Coach, Rob Gagnon, a sentiment from the State of Maine.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber the Hebron Academy Boy's Hockey Team with their coaches. Would they please rise and accept the greetings of the Maine Senate.

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The members of the Calais High School Boys Basketball Team, on their winning the 2006 Class C State Championship. We extend our congratulations to the Calais "Blue Devils" on this achievement;

SLS 1023

Sponsored by Senator RAYE of Washington.  
Cosponsored by Representatives: McFADDEN of Dennysville,  
PERRY of Calais, McLEOD of Lee.

**READ.**

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. It is my pleasure to rise and welcome the Calais High School Blue Devils to the Senate this morning. I'm delighted to have team members Jordan Leeman, Sean Cavanaugh, Cal Shorey who happens to be the son of former Senator Kevin Shorey, Sam Bell, Nathan O'Neill, Chris Taylor, Brandon Tomah, Chris Stewart, Robbie Rogers, Chris Wallace, Mike Guthrie, Adam Knowles, Manager Dean Wunder, Assistant Coach Marcia Rogers, and Coach Ed Leeman. The Blue Devils undefeated record this year is an extraordinary accomplishment. It is especially a source of pride to their community and their families that this team has exhibited not only tremendous ability on the court but also terrific sportsmanship. Under the leadership of Coach Leeman and Assistant Coach Rogers the team has conducted themselves in a way that demonstrates the very best of their generation and the community. I ask that the Senate join me in congratulating the Blue Devils and it is my pleasure to present them with this sentiment.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair recognizes in the rear of the Chamber the Calais High School Blue Devils Basketball team. Would they please rise and receive the greetings of the Maine Senate.

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Off Record Remarks

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.C. 563

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

March 23, 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 Business, Research and Economic Development has had under consideration the nomination of Christopher Bell of Caribou, for appointment to the Maine Educational Loan Authority.

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	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	9	Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth

NAYS 0  
ABSENT 1 Rep. Crosby of Topsham

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Christopher Bell of Caribou, for appointment to the Maine Educational Loan Authority be confirmed.

Signed,

S/Lynn Bromley  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#342)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Christopher Bell** of Caribou, for appointment to the Maine Educational Loan Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass Pursuant to Joint Order**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta (EMERGENCY)

H.P. 1473 L.D. 2082

Reported that the same **Ought to Pass**, pursuant to Joint Order 2005, H.P. 494.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY HOUSE AMENDMENT "A" (H-886)**.

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

**READ ONCE.**

House Amendment "A" (H-886) **READ** and **ADOPTED**, in concurrence.

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

**Ought to Pass**

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1384 L.D. 1976

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Law Enforcement Agencies To Maintain Public Sex Offender Registry Websites"

H.P. 1271 L.D. 1831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-867)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**.

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

**READ ONCE.**

Committee Amendment "A" (H-867) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Wheelchair Van Services Reimbursement Rates" H.P. 1355 L.D. 1914

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-871)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871)**.

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

**READ ONCE.**

Committee Amendment "A" (H-871) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Election Laws" (EMERGENCY) H.P. 1329 L.D. 1889

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-866)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-866) AND HOUSE AMENDMENT "A" (H-888)**.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act To Promote Transportation Investments within Downtowns and Urban Compacts"

H.P. 802 L.D. 1159

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-873)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873)**.

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

**READ ONCE.**

Committee Amendment "A" (H-873) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit"

H.P. 1428 L.D. 2027

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

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris  
McCORMICK of West Gardiner  
WOODBURY of Yarmouth  
CLOUGH of Scarborough  
BIERMAN of Sorrento  
SEAVEY of Kennebunkport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-865)**.

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket  
HUTTON of Bowdoinham  
WATSON of Bath

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

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-865)** Report, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#343)**

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-865)** Report, in **NON-CONCURRENCE**, **PREVAILED**.

#### **READ ONCE.**

Committee Amendment "A" (H-865) **READ** and **ADOPTED**.

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

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#### **Divided Report**

Six members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Revisions to the Laws Governing Pesticide Control" H.P. 1330 L.D. 1890

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-860)**.

Signed:

Representatives:  
PIOTTI of Unity  
JODREY of Bethel  
JENNINGS of Leeds  
MAREAN of Hollis

FLOOD of Winthrop  
TWOMEY of Biddeford

Five members 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-861)**.

Signed:

Senator:  
RAYE of Washington

Representatives:  
CARR of Lincoln  
LUNDEEN of Mars Hill  
SHERMAN of Hodgdon  
EDGEComb of Caribou

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-862)**.

Signed:

Senators:  
NUTTING of Androscoggin  
BRYANT of Oxford

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-862)**, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-862)**, in **NON-CONCURRENCE**.

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#### **Senate**

#### **Ought to Pass Pursuant to Joint Order**

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

S.P. 827 L.D. 2095

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 817.

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

**READ ONCE.**

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

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**Ought to Pass As Amended**

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Ensure the Authority of 'Do Not Resuscitate' Orders in Advance Health-care Directives" (EMERGENCY)  
S.P. 680 L.D. 1763

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-522).**

Report **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I rise today just to put some pieces on the record in the Senate. First I would like to thank the good Senate Chair, the Senator from York, Senator Hobbins, for his great work that he did on this bill. This, I think, gives the regular people out there great hope that the legislative process does work. I had in my town a constituent that had major problems with the 'Do Not Resuscitate' order and the whole array that goes with that. The committee dealt well with all the issues and it is a good example of a constituent having a problem, bringing it all the way through the legislative process, and getting a good result. I want to commend the committee for all their great work and I'd like to recognize Arthur Bowden, who is here today. He did a tremendous amount of work on this issue.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Arthur Bowden of Rumford. Would he please rise and receive the greetings of the Maine Senate.

Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-522) **READ** and **ADOPTED.**

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

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Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Limiting Clean Election Candidates' Campaign Soliciting"  
S.P. 570 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-521).**

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

**READ ONCE.**

Committee Amendment "A" (S-521) **READ** and **ADOPTED.**

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

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide State Funding for the Fingerprinting of School Personnel"  
S.P. 662 L.D. 1745

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-520).**

Signed:

Senators:

MITCHELL of Kennebec  
SCHNEIDER of Penobscot  
TURNER of Cumberland

Representatives:

DAVIS of Falmouth  
FINCH of Fairfield  
EDGECOMB of Caribou  
NORTON of Bangor  
GOLDMAN of Cape Elizabeth  
MAKAS of Lewiston  
CAIN of Orono  
MERRILL of Appleton

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

Signed:

Representatives:

STEDMAN of Hartland  
LANSLEY of Sabattus

Reports **READ.**

Senator **MITCHELL** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#344)**

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-520) **READ** and **ADOPTED**.

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

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**SECOND READERS**

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

**House**

Bill "An Act Relating to Mergers and Consolidations of Corporations without Capital Stock" (EMERGENCY)  
H.P. 1431 L.D. 2034

Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River 'Cushnoc Crossing'  
H.P. 1445 L.D. 2051

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

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**House As Amended**

Bill "An Act To Improve Recreational Watercraft Safety"  
H.P. 231 L.D. 307  
(C "A" H-850)

Bill "An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil"  
H.P. 1383 L.D. 1975  
(C "A" H-843)

Bill "An Act To Authorize Certain County Jail Employees To Perform Ministerial Functions Related to Preparing Personal Recognizance or Unsecured Appearance Bond" (EMERGENCY)  
H.P. 1429 L.D. 2031  
(C "A" H-863)

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

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Bill "An Act To Extend Term Limits"  
H.P. 371 L.D. 496  
(C "A" H-729)

**READ A SECOND TIME.**

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

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**Senate As Amended**

Bill "An Act To Strengthen Maine's Timber Theft Laws"  
S.P. 676 L.D. 1759  
(C "A" S-517)

Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services"  
S.P. 677 L.D. 1760  
(C "A" S-515)

Bill "An Act To Strengthen the State Purchasing Code of Conduct Laws"  
S.P. 686 L.D. 1769  
(C "A" S-499)

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

Sent down for concurrence.

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Bill "An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory" (EMERGENCY)  
S.P. 779 L.D. 2028  
(C "A" S-519)

**READ A SECOND TIME.**

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. This bill is passing through and about to be engrossed. It's something I think this Body needs to know about, what's going on with this bill, and I asked to have it set aside so I could just spend a minute or two sharing that with you. The Criminal Justice and Public Safety Committee, in our review

of the Department of Public Safety, learned or discovered, whatever you may want to call it, information about the Computer Crime Taskforce that was created in 1999. In the Computer Crime Taskforce, the purpose was to deal with computer crime. Only after the short time this taskforce soon became overwhelmed with child pornography and child pornographers. It became so overwhelmed that it became a major problem for the two staff persons that operate that taskforce and download the computers. What happens is this; when a computer hard drive is confiscated by the police, local police agency or the Sheriff's Office or the State Police, it is taken to the taskforce. Theoretically, the taskforce members will download them, get the evidence, take it to the prosecutors, and prosecute to get these people off the streets, get them arrested and put in jail. That is how it is supposed to work, but because child pornography has become the fastest growing business on the internet that's not happening. In January of this year they had 80 hard drives sitting in the closet at the taskforce's headquarters in Vassalboro that they couldn't get to. Every one of those hard drives contained evidence that would, hopefully, get the child pornographer convicted and put in jail. Now, as of two weeks ago, the number of hard drives has reached 120. As you can see, it is just getting more and more. The most frustrating part is that without staff people we cannot get to computers and they cannot download them, and therefore, the evidence sits there. The evidence literally sets 20 feet from an empty desk. It's something that you need to know about, we all need to know about it, and we need to address this. This bill will address that by adding two staff members to help the taskforce do its work.

Some would say that these are just child pornographers on the internet and what is the harm? The U.S. Postal Service, through a study that they have done, has told us that 80% of the people who view child pornography actually become sexual molesters. That's a high number, a high percentage. There is an organization in Wyoming called the 'Internet Crimes Against Children'. They deal with every state and provide information to law enforcement agencies in every state. What you had passed to you this morning was a list of 150 towns that shows how Maine did in 2005. You might want to check your town, it may be on the list. This is tracking they have done out of Wyoming to show what each state has had for activity, peer to peer. That's not someone who sets at a computer and once in a while an image will come up or they might seek an image. These are people who see hundreds and thousands of images. They go to kiddie pics or several hundred of other terms you can type in. The taskforce has the IP number of all these computers when this happens. What you have is a list of what has happened in the state of Maine in 2005. You can see on that list whether it is a large town or a small town, rich or poor, and what is happening in the peer-to-peer problem with child pornography. Portland, for example, as you probably noticed, is the highest because they have the highest population. You can then go to Monmouth where there were 64 peer-to-peers. Windham had 50. It's something that we need to address, something we cannot let go any longer. The other thing is that these are not child pornographers that dwell on teenagers. What they have at the taskforce in Vassalboro are all children who are, for the most part, 7 years old or younger, down to just a few months old. There is no confusion as to whether these are actually 17 or 18 year olds. These are all kids who are very very young. I bring this to your attention, knowing full well it has a fiscal note on it; knowing that the Governor supports it; Commissioner Cantara supports it; the Chief of the State Police

supports it; and I think everybody else that we've talked to certainly supports it. I bring it to your attention so you will know what's happening, that you will know the condition, and know that, according to the experts, that if we had two people over there, they would be able to make headway on those stored, at this point unusable, evidence to take these people off the streets. The longer they set there, the longer these people run free. I would just thank you for your time. I wanted to bring this to your attention. Thank you, Madame President, for allowing me to share this information.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Chamber. I heartily support the same bill. With what little experience I have with this, I realize this is a major problem and needs to be eradicated from society. I will support this bill. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I beg your indulgence. In my years of serving as a legislator, I have sat through so many department reviews where we have to review the department. Ladies and gentlemen of the Senate, this issue would not have come forward today and be properly addressed if it hadn't been for the committees' diligently reviewing the department. I couldn't resist pointing that out. At least sometimes there is some very good that comes out of that. Thank you.

**PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Assist Maine Military Families

S.P. 664 L.D. 1747  
(C "A" S-492)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.



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**Acts**

An Act To Clarify Maine State Retirement System Benefits for Certain Legislators

H.P. 1246 L.D. 1806  
(C "A" H-824)

An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel

H.P. 1339 L.D. 1898  
(C "A" H-823)

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

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Specially (3/21/06) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Smelt Dipping in Long Lake in Aroostook County"

H.P. 1253 L.D. 1813

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-806)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - March 16, 2006, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 14, 2006, 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)**.)

(In Senate, March 16, 2006, Reports **READ**.)

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-806) **READ.**

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-524) to Committee Amendment "A" (H-806) **READ** and **ADOPTED.**

Committee Amendment "A" (H-806) as Amended by Senate Amendment "A" (S-524) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Election Laws" (EMERGENCY)

H.P. 1329 L.D. 1889

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-866)**

Tabled - March 28, 2006, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 27, 2006, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-866) AND HOUSE AMENDMENT "A" (H-888)**.)

(In Senate, March 28, 2006, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-866) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-888) **READ** and **ADOPTED**, in concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Strengthen the Collection of the Tax on Tobacco Products"

H.P. 1485 L.D. 2093

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1486

**JOINT RESOLUTION RECOGNIZING THE THIRD ANNUAL INTERNATIONAL PIANO AND CHAMBER MUSIC FESTIVAL**

WHEREAS, the Portland Conservatory of Music was founded in 1995 to provide excellent musical instruction to individuals of all ages, goals and abilities, which is unique among organizations in Maine; and

WHEREAS, the Portland Conservatory of Music has brought that mission to life by bringing the gift of music into the lives of hundreds of students by offering programs such as private lessons on various instruments, music classes and ensembles to students across the region; and

WHEREAS, the Portland Conservatory of Music currently has more than 400 students from across the region and has a faculty numbering more than 40 of Maine's most talented musicians; and

WHEREAS, the Portland Conservatory of Music has established the International Piano and Chamber Music Festival to bring concerts to the public and serve as a meeting ground for musicians of all ages and from all parts of the globe by providing intensive instruction, performing opportunities for young musicians and nightly concerts by professional musicians; and

WHEREAS, the Portland Conservatory of Music is proud to host the Third Annual International Piano and Chamber Music Festival in Portland, Maine from June 21 to June 30, 2006 and welcomes performers and guests from around the world to share their love and appreciation of music; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to salute the Portland Conservatory of Music for hosting the Third Annual International Piano and Chamber Music Festival and we welcome all participants and guests to the State of Maine during the music festival; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Portland Conservatory of Music with our appreciation for its enhancing the art of music in the State of Maine.

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

**READ** and **ADOPTED**, in concurrence.

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

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

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, March 29, 2006, at 10:00 in the morning.