

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Regular Session  
December 4, 2004 to March 30, 2005

Pages 1 - 410

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

In Senate Chamber  
Wednesday  
March 2, 2005

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

Prayer by Reverend Kate Braestrup, Chaplain, Maine Warden  
Service.

**REVEREND BRAESTRUP:** Good morning. I wanted to say, first  
of all, that it is a privilege to be here representing my gender.  
Colonel Santaguida and I think that I may, in fact, be a historic  
personage. We think I'm the first female statewide law  
enforcement chaplain in Maine history. How cool is that?

I'm going to indulge myself in a very brief explanatory note,  
since most people don't understand why the Warden Service  
would have a chaplain. As most of you know, in addition to  
enforcing fish and game law, Maine's Game Wardens respond to  
snowmobile accidents and fresh water drowning, boating  
accidents and other outdoor calamities. They are also  
responsible for wilderness search and rescue operations. In the  
course of their work, Game Wardens saw the need for victims  
and victims' families to receive dedicated emotional and spiritual  
support during such crises. It was the Wardens, therefore, who  
created the position of chaplain so as to better serve the citizens  
of Maine. Thus, in my work throughout the state and my  
presence in this chamber this morning, I do no more and no less  
than to embody the kindness, compassion, and vision of these  
extraordinary law enforcement officers. I am proud to share their  
uniform and to represent them before you today.

Before I begin my prayer, I'd also like to extend a particular  
appreciation to those of you who may not court yourselves  
believers or churchgoers. Your acceptance of my presence in  
your chamber bespeaks tolerance and generosity. Thank you for  
having me.

Join me as you will in the spirit of prayer. Gracious God, St.  
Francis of Assisi once admonished Your people to pray without  
ceasing. 'If necessary,' he said, 'use words.' In this moment, with  
these mere words, I give You thanks. Thank You for the  
ceaseless prayers of human lives lived bravely in love. Thank  
You for the courage and compassion You have planted in the  
human heart. May these, Your seeds, find rich and humble soil in  
us. May they grow and flower. You have offered each man and  
woman and child in this room diverse paths and manifold  
opportunities to protect and serve, to work for justice, to relieve  
suffering, to ensure human dignity, and enhance wellbeing. May  
the work done here on behalf of the people of the State of Maine  
be the finest, most consistent, and most enduring prayer anyone  
could offer. May each of us learn to make prayers of our lives as  
well as with our words. Amen.

Reading of the Journal of Tuesday, March 1, 2005.

Doctor of the day, James Pisini, D.O. of Cumberland Foreside.

Off Record Remarks

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

**ORDERS**

**Joint Order**

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

S.P. 391

ORDERED, the House concurring, that when the House and  
Senate adjourn, they do so until Tuesday, March 8, 2005, at  
10:00 in the morning.

**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:

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and  
Specially (3/1/05) Assigned matter:

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Permit the Legislature To Allow the Current Use  
Valuation of Waterfront Land Used for or That Supports  
Commercial Fishing Activities

H.P. 224 L.D. 299

Tabled - February 24, 2005, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

(In House, January 27, 2005, **FINALLY PASSED.**)

(In Senate, February 3, 2005, Bill and accompanying papers  
**COMMITTED** to the Committee on **TAXATION**, in **NON-  
CONCURRENCE.**)

(In House, February 22, 2005, that Body **INSISTED**.)

On motion by Senator **MILLS** of Somerset, the Senate **RECEDED** from whereby the Bill and accompanying papers were **COMMITTED** to the Committee on **TAXATION**.

On further motion by same Senator, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-12) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Madame President, the sole purpose of this is to correct a wording error. Actually, the committee had voted to propose the amendment as amended by this Senate Amendment S-12 that I am presenting now. There is a grammatical flaw in the bill as it has come up to us to the floor. I think since we are trying to amend the Constitution of the State of Maine and these words are likely to undergo considerable public scrutiny and if the amendment passes those words will persist for perhaps many generations to come. My 88-year-old mother, who is an English teacher, would have not let me not make this proposed amendment or change. She taught me sentence diagramming when I was in the 5<sup>th</sup> grade and the way this was originally worded just didn't diagram properly. If you vote to put this amendment on the bill, I think it will please her a great deal. Thank you.

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

Senator **GAGNON:** Thank you, Madame President. I would encourage folks to adopt this amendment. We found out just a little while ago that it's not a correction that can be made later since it is an amendment to the Constitution. Thank you.

On further motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-12) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-12), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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## PAPERS FROM THE HOUSE

### Non-Concurrent Matter

Bill "An Act To Shelter IRAs from the Bankruptcy Law"  
S.P. 323 L.D. 948

In Senate, February 22, 2005, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

On motion by Senator **HOBBS** of York, **TABLED** 1 Legislative Day, pending **FURTHER CONSIDERATION**.

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## House Papers

Bill "An Act To Prevent the Financial Exploitation of Vulnerable Citizens"

H.P. 665 L.D. 955

Bill "An Act To Make Certain Changes in the Laws Concerning the Family Division of District Court"

H.P. 683 L.D. 973

Bill "An Act To Amend the Guidelines Used To Determine Child Support Payments"

H.P. 684 L.D. 974

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

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

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Bill "An Act To Improve Security at State Courthouses"  
H.P. 696 L.D. 1012

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

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

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

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## COMMUNICATIONS

The Following Communication: S.C. 84

**OFFICE OF THE PRESIDENT  
3 STATEHOUSE STATION  
AUGUSTA, MAINE 04333**

February 28, 2005

Honorable Joy J. O'Brien  
Secretary of the Senate  
3 Statehouse Station  
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.3, I am appointing Senator John L. Martin of Aroostook as President Pro Tempore for Tuesday, March 1, 2005.