

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

Second Regular Session  
January 4, 2006 to May 24, 2006

Pages 1382 - 2139

Signed:

Senators:

MITCHELL of Kennebec  
SCHNEIDER of Penobscot

Representatives:

DAVIS of Falmouth  
EDGECOMB of Caribou  
NORTON of Bangor  
GOLDMAN of Cape Elizabeth  
STEDMAN of Hartland  
MAKAS of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1043)**.

Signed:

Representative:

FINCH of Fairfield

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **MITCHELL** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/06/06) Assigned matter:

An Act To Amend the Crime of Aggravated Criminal Mischief  
S.P. 706 L.D. 1789  
(C "A" S-504)

Tabled - April 6, 2006, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504)**.)

(In House, April 5, 2006, **FAILED ENACTMENT**.)

On motion by Senator **NUTTING** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-504).

On further motion by same Senator, Senate Amendment "A" (S-605) to Committee Amendment "A" (S-504) **READ** and **ADOPTED**.

Committee Amendment "A" (S-504) as Amended by Senate Amendment "A" (S-605) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504) AS AMENDED BY SENATE AMENDMENT "A" (S-605)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/07/06) Assigned matter:

Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY)

H.P. 1437 L.D. 2039

Tabled - April 7, 2006, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-952)**, in concurrence

(In House, April 7, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**.)

(In Senate, April 7, 2006, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-952) **READ**.)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-630) to Committee Amendment "A" (H-952) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. For those of you who are aware of how L.D. 1 works, specifically in municipalities, if there is an override necessary it requires another vote of the municipal officers. There was some misunderstanding among some of the counties as to whether that was required if they went over the amount allocated based on L.D. 1. This basically treats the counties just

like the municipalities so that if they go in excess then it requires another vote of the county commissioners. Like in Aroostook, for example, we have a finance board and this would require the finance board to vote again. What this does, in simple language, is to do the same thing with the counties as we are now requiring under the law for municipalities.

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

Senator **DAMON:** Thank you, Madame President. May I direct a question through the Chair for anyone who may wish to answer?

**THE PRESIDENT:** The Senator may pose his question.

Senator **DAMON:** Thank you, Madame President. It is my understanding that with the enactment of L.D. 1 counties, in fact, are held to that standard already but that the unorganized territory of the county budget isn't. I'm wonder if this amendment would pertain to the unorganized territory portion of the county budget?

**THE PRESIDENT:** The Senator from Hancock, Senator Damon poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. To answer the question, specifically yes. This will specifically require that when the county commissioners do the unorganized territory budget, which is different then the county budget, it will require them to do that same thing.

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

Senator **ROSEN:** Thank you, Madame President. I would also like to pose a question, if I may?

**THE PRESIDENT:** The Senator may pose his question.

Senator **ROSEN:** Thank you, Madame President. In reading the amendment, in a quick read it strikes me that the threshold for approval is higher in the amendment than is imposed on the other elected bodies. If I recall, in L.D. 1 there is an override vote for the elected school committee. There is a separate override action for the elected municipal body. If I'm reading this correctly it requires that the override be agreed to by the budget advisory committee, which is an appointed body, and the commissioners, who are elected. That strikes me as a higher threshold.

**THE PRESIDENT:** The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. In response to the question, in some counties, for example my own, the finance committee actually has the authority of the budget. In other counties the advisory committee does have some authority. It would apply only to those where those two entities have authority. In some counties they are purely

advisory and have no authority whatsoever. That would not apply.

On further motion by same Senator, Senate Amendment "A" (S-630) to Committee Amendment "A" (H-952) **ADOPTED**.

Committee Amendment "A" (H-952) as Amended by Senate Amendment "A" (S-630) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY SENATE AMENDMENT "A" (S-630)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

### COMMUNICATIONS

The Following Communication: S.C. 658

#### STATE OF MAINE ONE HUNDRED AND TWENTY-SECOND LEGISLATURE COMMITTEE ON LEGAL AND VETERANS AFFAIRS

April 25, 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 Legal and Veterans Affairs has had under consideration the nomination of A. Mavourneen Thompson of Peaks Island, for appointment to the Commission on Governmental Ethics and Election Practices.

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	1	Gagnon of Kennebec
	Representatives	8	Brown of South Berwick, Fisher of Brewer, Hotham of Dixfield, Nass of Acton, Ott of York, Pinkham of Lexington Township, Tuttle of Sanford, Valentino of Saco
NAYS		1	Sen. Plowman of Penobscot