

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Senate Legislative Record  
One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

First Regular Session  
December 6, 2006 to June 21, 2007

Pages 1 - 1266

Bill "An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered"

S.P. 125 L.D. 381

Sponsored by Senator GOOLEY of Franklin.  
Cosponsored by Representative LUNDEEN of Mars Hill and  
Senators: SHERMAN of Aroostook, ROSEN of Hancock,  
Representatives: HOTHAM of Dixfield, SAVIELLO of Wilton,  
KNIGHT of Livermore Falls, GOULD of South Berwick, NASS of  
Acton, MILLS of Farmington.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the  
Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

---

**Pursuant to Joint Order**  
**Joint Select Committee on Research, Economic**  
**Development and the Innovation Economy**

Senator BROMLEY for the **Joint Select Committee on**  
**Research, Economic Development and the Innovation**  
**Economy**, pursuant to S.P. 847 (2006) asked leave to report that  
the accompanying Bill "An Act To Authorize a General Fund Bond  
Issue for Research and Development To Stimulate Maine's  
Innovation Economy"

S.P. 107 L.D. 335

Be **REFERRED** to the Committee on **APPROPRIATIONS AND**  
**FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule  
218.

Report **READ**.

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

---

**Pursuant to Statutes**  
**Community Preservation Advisory Committee**

Senator DOW for the **Community Preservation Advisory**  
**Committee**, pursuant to the Maine Revised Statutes, Title 30-A,  
section 4350, subsection 10 asked leave to report that the  
accompanying Bill "An Act To Reauthorize the Community  
Preservation Advisory Committee"

S.P. 108 L.D. 336

Be **REFERRED** to the Committee on **STATE AND LOCAL**  
**GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to  
the Committee on **STATE AND LOCAL GOVERNMENT** and  
ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

---

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

---

**ORDERS**

**Joint Resolution**

On motion by Senator **MITCHELL** of Kennebec (Cosponsored by  
Representative LANSLEY of Sabattus and Senators: BROMLEY  
of Cumberland, MARRACHÉ of Kennebec, SULLIVAN of York,  
BARTLETT of Cumberland, SHERMAN of Aroostook, DAMON of  
Hancock, DOW of Lincoln, HASTINGS of Oxford, STRIMLING of  
Cumberland, McCORMICK of Kennebec, SCHNEIDER of  
Penobscot, BENOIT of Sagadahoc, PERRY of Penobscot,  
MARTIN of Aroostook, Representatives: PERCY of Phippsburg,  
MARLEY of Portland, VAUGHAN of Durham, CRAVEN of  
Lewiston, CEBRA of Naples, GERZOFKY of Brunswick,  
FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, SAVIELLO of  
Wilton, DRISCOLL of Westbrook, WATSON of Bath, SIMPSON of  
Auburn, WEBSTER of Freeport, MAZUREK of Rockland, MILLER  
of Somerville, HASKELL of Portland, CLARK of Millinocket,  
KNIGHT of Livermore Falls, EATON of Sullivan, CONOVER of  
Oakland, PRATT of Eddington, PRIEST of Brunswick, PINGREE  
of North Haven, SILSBY of Augusta, TREAT of Farmingdale,  
WAGNER of Lewiston, FISCHER of Presque Isle, PIOTTI of  
Unity, PATRICK of Rumford, TUTTLE of Sanford, BRAUTIGAM  
of Falmouth) (Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 214.), the following  
Joint Resolution:

S.P. 113

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF**  
**THE UNITED STATES AND THE CONGRESS OF THE UNITED**  
**STATES TO REPEAL THE REAL ID ACT OF 2005**

WE, your Memorialists, the Members of the One Hundred and  
Twenty-Third Legislature of the State of Maine now assembled in  
the First Regular Session, most respectfully present and petition  
the President of the United States, the Secretary of Homeland  
Security and the Congress of the United States, as follows:

WHEREAS, the federal REAL ID Act of 2005 mandates an  
unfunded national driver's license on the people of Maine and  
was passed as a rider on a military spending bill; and

WHEREAS, implementation of the REAL ID Act of 2005 will cost  
Maine taxpayers approximately \$185 million; and  
WHEREAS, the REAL ID Act of 2005 national database will invite  
theft of identity and invasion of privacy; and

WHEREAS, the REAL ID Act of 2005 will impose inconveniences  
and higher taxes on Mainers with no attendant benefit such as  
protections from terrorism; now, therefore, be it

**RESOLVED:** That the Maine State Legislature refuses to implement the REAL ID Act of 2005, and we thereby protest the treatment by Congress and the President as agents of the Federal Government; and be it further

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the Congress of the United States repeal the REAL ID Act of 2005; and be it further

**RESOLVED:** That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable Michael Chertoff, Secretary of Homeland Security; the Honorable John E. Baldacci, Governor of the State of Maine; the Honorable Richard Cheney, President of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

**READ.**

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I must admit up until the past month or so I did not know, or had thought very little, about Real ID. As far as I knew it was a bad movie or something I didn't want to order on Netflix. As I have learned more and more about the magnitude of this law, or this rule, promulgated by the federal government I have become more and more concerned.

Years ago I had the privilege of working for a former Governor who decided seatbelt use was his number one priority. Again, I got in my car and I probably never fastened my seatbelt, but as I learned more about the issue from talking to medical technicians and what had happened to people who didn't, I cannot get near a car without fastening my seatbelt.

The more I have learned about Read ID I feel so honored that we are all here today to sound the alarm and say that we, as Maine people, are very concerned. Normally I look at Resolutions or Memorials to Congress and I think, 'Okay, we're sending a message,' but this is so important. This message to Congress is saying that this is an encroachment upon an individual's right to privacy. It's also a big unfunded mandate. If implemented as proposed next year, we're talking about \$185 million in cost to the State of Maine. We're talking about inconveniences to our citizens as they try to go to the Bureau of Motor Vehicles and get a drivers license. I'm sure many of you know stories of simply getting a drivers license these days, although our Secretary of State has worked very hard to make it a smooth process. As you go forward, under the new requirements to get this Real ID, which is a national identity card, you are going to have to take a birth certificate and other items that are going to be verified.

Last night I had the honor of sitting at a forum with an extraordinary collection of people who told me that we, in Maine, as usual, the Dirigo people, are on the right track. I sat on a panel with a representative from the Cato Institute. I sat on a panel with the Executive Director of the Sportsman's Alliance of Maine; with a representative from the Maine Civil Liberties Union; and my good colleague from the other end of the hall, Representative Lansley. We've worked together on education. We were all standing there talking about the importance of

privacy to Maine people and speaking up and saying to Congress that Maine people will not accept this.

You are going to be told, perhaps by some who think that this is important for our national security, that it's only voluntary. Let me speak to you about the voluntary nature of Real ID. If Maine does not comply, and the rules stay in place and the deadline stays in place, Maine citizens who won't have the National Identity Card can't board an airplane. They can't go into Federal buildings. We assume they can go into court if they are indicted to do that.

At the same time there are very serious issues affecting the people we represent. I honestly believe that this is what has united people on both ends of this building, both Republicans and Democrats, Conservatives and Liberals, and everybody who has a concern about privacy. There is concern about victims of domestic violence and all the information that you are going to have to give for this National Identity Card, which we think will look like a card that you swipe. Every bit of information about you is on that card. I'm not trying to frighten anyone here, but the more we know about it the more we find it appalling as Maine citizens. This is simply unacceptable.

Maine is not alone in standing up to this issue. Other states are joining in. We are just getting there first with this Resolution and later there will be legislation for you to consider which will talk about how the Secretary of State should not implement this. It is wrong. We do not want to participate in something that subjects our citizens to such a loss of privacy. If we don't speak up about that now who will? This probably is the greatest intrusion into privacy that I've ever witnessed in my years of public service. I don't think that was the intent. The intention was good. The intention was to protect us from terrorists and other issues concerning our safety, but we are told by everyone who's looked at this issue that the terrorists who inflicted 9/11 on our country could have done so even if we had had this National Identity Card. If we want to protect ourselves, let's do so and we can. This is a good problem, but a very wrong answer.

I hope that you will join with me in sending an extraordinary strong message to our Congressional Delegation to join with others across the country. Maine will just say no to this because we cherish and value our privacy and we do not believe it buys us any security. Thank you for the opportunity to present this Resolution. Thank you for the broad, strong bi-partisan support.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. All of us here in this Chamber are working very hard to make our government work more efficiently and effectively and to save money for the taxpayers of Maine. Real ID takes us in the opposite direction of the direction we all want to be heading in. Not only will it cost us an estimated \$185 million over the first five years, it's also going to necessitate raising license fees for the people of Maine. A study conducted by the National Conference of State Legislatures, the National Governor's Association, and the American Association of Motor Vehicle Administrators have estimated that this act could cost states more than \$11 billion over the next five years. Real ID, unfortunately, does not provide us with real protection and it creates an unfunded mandate that the state cannot afford. Please join me in supporting this Resolution so we can send a strong message to Washington about the need to protect privacy in this state and

also the need that we have to be able to continue to provide relief to the taxpayers in Maine. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I have two points of view on this. First of all, I'd like to commend everyone who has signed this for recognizing what an unfunded mandate does and how costly that can be. Also recognizing the real burden that we put on people by increasing fees and license fees. It's interesting, in my word I guess, that we tend to do those things without thinking twice but we object when the Federal Government does it. I hope that you will all be keeping this in mind as we develop our budget and we go through what we're going to pass onto the people of the state of Maine.

Having said that, I will tell you that after making several phone calls to our federal delegation that there is a compromise being worked on now and I don't need to tell you there is already a new Congress that has been sworn in. We probably will be seeing changes from the Federal Government regarding this. This is the first time, I believe, that I've seen a Joint Resolution where the word 'refuse' has been in it. I may be wrong. 'Refuse' is a very strong word and I know that you are sending a very strong statement. Refusing is something we talk about in different committees when federal funds come to us with strings attached. We never seem to think that those strings are too onerous when it comes time to refusing. The fact that money did not come with this, I guess, raised our level of courage. While we are refusing because there is lack of money, I hope you will show the same kind of courage when it comes with onerous strings attached and that we will show the same kind of wisdom when we're looking forward to crafting a budget that puts these same kinds of licenses and fees on the people of the state of Maine. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I rise today in support of this Resolution and I rise as the former Chair of the Taskforce on Homeland Security. I can tell you that those of us who were on the taskforce, including my good friend across the aisle, traveled all the way across this state, from the top to the bottom. We heard from law enforcement officials from every corner; from Oxford Hills to Presque Isle, down to Biddeford, Portland, Brunswick, Rockland, Bangor, and everywhere. Not one of them, not one, said, 'You need to implement a Real ID in order to protect this state.' They knew that Real ID, if it had been in place, would not have protected us from Timothy McVay, it would not have protected us from the Unabomber, it would not have protected us from Olympic Bomber, and most importantly it would not have protected us from 9/11. It would have had no impact. If you want to find ways that we can make sure that we secure Maine read our report. There are lots of recommendations. In fact, you voted and implemented virtually all of them last year; from making sure that our communication systems worked, to making sure that evacuation plans are in place, to making sure our hospitals have enough beds, to making sure that our ports are inspected. This will do nothing to protect us. On top of that, it will create problems within our community

for those who cannot afford to pay the fees to purchase. Those who are renters, who change their addresses every few years, or low income who change their addresses, are going to have to pay the fee every time. If you are elderly and you don't have your birth certificate any more and you go to the Department of Motor Vehicles and they say, 'Just call the hospital' and that hospital doesn't seem to exist any more because you were born 70 years ago. You are not going to be able to get this ID. If you want to fly on an airplane and you're not able to get this ID, you are going to be excluded from that form of transportation. Number one, it does nothing to protect us, and law enforcement will say it over and over again. This is not something that we need. Number two, it creates an onerous burden on those in our communities who cannot afford any more burdens. If we want to protect our country there are many things that we can do and this is not one of them.

Same Senator requested a Roll Call.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I certainly support this Resolution. I would have signed on, as many others would have, had time been possible and appreciate that consideration.

I support this from a more practical position. As a former Secretary of State, one of the biggest problems this will present to the workers, the employees, at the Bureau of Motor Vehicles will be longer lines. One thing that I know the current Secretary of State and all the workers are trying to limit those lines and the time people spend while getting their license or getting other business taken care of while at the branches. This, without a doubt, will lengthen that time and lengthen those lines because of the challenges that will come with this.

I would just point out from that perspective that we should consider that as well, that as a pragmatic, a very practical reason, beyond all the other good reasons you've heard why this Real ID should not be implemented and hopefully we'll have a little influence with Congress as they consider this. Again, I would present that as one more option for you to think about and I hope you will join me and others in supporting this Resolution. Thank you, Madame President.

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

Senator **MITCHELL:** Thank you, Madame President. Very briefly and I apologize for imposing on your time once more, but this is so important. The Senator from Penobscot, Senator Plowman, implied that this was exclusively, almost, about unfunded mandates. In our forum last night a representative of a civil libertarian group, a Republican I might add, said, 'If the federal government brought you all the money to make it possible for the Bureau of Motor Vehicles to do this quickly or whatever else, would the State of Maine change it's mind?' The answer was unanimously 'no' because that does not protect the privacy of Maine's citizens. No amount of money is going to make this protective of Maine's privacy. The gentleman from the Cato Institute gave the best visual example, and I can't use visuals on the floor. He held up his key ring. He said, 'I have a key to my house, I have a key to my car, I have a key to various other

things. If you get my key ring, you may be able to get into one of my private possessions. If you get this National Identity Card, everything I own is on that swipe of information.' Not only is it for Maine, by the way, it's shared with all 50 states. That is a very frightening thing. Even though money is extraordinarily important and we do respect the comments about unfunded mandates, the overriding concern, for me, is the issue of protecting Maine people's privacy. It's extraordinarily important. We have both issues to think about and I would encourage your unanimous support of this Resolution.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Benoit.

Senator **BENOIT:** Thank you, Madame President and men and women of the Senate. While some are very concerned about unfunded mandates, I am as well, but I signed on as a co-sponsor because I believe it's important to protect our personal privacy rights. We should never compromise that. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President, women and men of the Senate. I ask your forgiveness for not repeating the privacy indications in the 1-1/2 lines of the Resolution. I have listened very carefully and if I fail to mention that it is because I thought it had already been covered. Thank you.

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

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I think just about everybody in the Chamber has spoke on this matter so I should join in. I fully intend to vote in support of the Resolution that is before us. I just want to leave you with a lingering thought with respect to how we can improve our security. This is the wrong implementation of what might be a good idea. Most of our first world nations and some of the many second world nations had National ID's and as a matter of course all citizens carry them. I don't know if that is necessarily a bad thing for us to consider on a go-forward basis. It has to be carefully done and that we are safeguarding our privacy, which I think is a primary concern for all of us. I'd leave you with that thought and urge your support of the Resolution before us. Thank you, Madame President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to Adopt. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary The Secretary called the Roll with the following results:

**ROLL CALL (#17)**

**YEAS:** Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: None

**ABSENT:** Senator: BRYANT

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, on motion by Senator **MITCHELL** of Kennebec, **ADOPTED.**

Sent down for concurrence.

---

**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 Later (1/16/07) Assigned matter:

Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport  
H.P. 192 L.D. 221

Tabled - January 16, 2007, by Senator **RAYE** of Washington

Pending - **REFERENCE**

(In House, January 16, 2007, **REFERRED** to the committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.)

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

---

The Chair laid before the Senate the following Tabled and Later (1/23/07) Assigned matter:

Bill "An Act To Require Mapping of Conservation Easements, Purchases and Gifts"

S.P. 92 L.D. 277