

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

**122<sup>nd</sup> LEGISLATURE  
STATE HOUSE  
AUGUSTA, MAINE 04333**

In Senate Chamber  
Tuesday  
January 4, 2005

December 22, 2004

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

Sen. Lynn Bromley  
Senate Chair, Joint Standing Committee on  
Business, Research, and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on  
Business, Research, and Economic Development  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Prayer by Father Frank Murray, Sacred Heart, Saint Louis, and Saint Philip Catholic Churches of Auburn.

Dear Senator Bromley and Representative Smith:

**FATHER MURRAY:** My friends, as we begin this 122<sup>nd</sup> legislature, and we do so in prayer, let us be in solidarity with humanity around the globe. Let us keep in mind our brothers and sisters in southern Asia who know challenges, issues, and problems way beyond our imagining. Let us pray.

Please be advised that Governor John E. Baldacci has nominated Dale McCormick of Augusta for appointment as the Director of the Maine State Housing Authority.

Loving God, we gather today to officially begin the work of the 122<sup>nd</sup> legislature. We do this with humility, acknowledging our individual limitations. We do this with openness, knowing we, together, bring a vastness and a variety of talents. We do this with hope, knowing we have Your help and love available to us. We ask You, oh God, to shower Your grace upon us today and every day we meet to do the work of the people of the State of Maine. May our differences not divide us. May our good intentions continually broaden to include those that we had initially forgotten and may the end results of our efforts always accomplish Your will and achieve something greater than we expected. Finally, bless all who work for all three branches of Maine State government. Help us to find ways to work together for the greater good of the entire State of Maine. We ask You to bless us, our families, our leaders, and all who support and encourage us. We make our prayer in Your name. Amen.

Pursuant to Title 30-A M.R.S.A. §4723, this nomination will require review by the Joint Standing Committee on Business, Research, and Economic Development.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and REFERRED to the Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

Pledge of Allegiance led by Senator Bill Diamond of Cumberland County.

The Following Communication: S.P. 10

**122<sup>nd</sup> LEGISLATURE  
STATE HOUSE  
AUGUSTA, MAINE 04333**

December 22, 2004

Doctor of the day, Dr. Dan Hale of Kittery.

Sen. Lynn Bromley  
Senate Chair, Joint Standing Committee on  
Business, Research, and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on  
Business, Research, and Economic Development  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Reading of the Journal of Wednesday, December 1, 2004.

Dear Senator Bromley and Representative Smith:

Off Record Remarks

**COMMUNICATIONS**

Please be advised that Governor John E. Baldacci has nominated Elisabeth Biemann of New York for appointment as the Director of the Maine Technology Institute.

The Following Communication: S.P. 9

Pursuant to Title 5 M.R.S.A. §15310, this nomination will require review by the Joint Standing Committee on Business, Research, and Economic Development.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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The Following Communication: S.C. 8

**OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

December 1, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333  
Dear Secretary O'Brien,

Pursuant to my authority under P.L. 2003, chapter 696, I am pleased to appoint Sen. Arthur Mayo of Sagadahoc to the Intergovernmental Advisory Group.

He is replacing Sen. Chandler Woodcock of Franklin who is resigning from this commission.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 9

**OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

December 3, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Joint Order H.P. 5, I am pleased to appoint the following individuals to the Joint Select Committee on Property Tax Reform.

Senator Dennis Damon of Hancock  
Senator Joseph Perry of Penobscot  
Senator S. Peter Mills of Somerset  
Senator Richard Rosen of Penobscot

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 10

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333**

December 6, 2004

Honorable Joy O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under House Paper 5, I have appointed the following members to the Joint Select Committee on Property Tax Reform:

Representative Richard Woodbury of Yarmouth, House Chair  
Representative Arthur Lerman of Augusta  
Representative Benjamin Dudley of Portland  
Representative Edward Dugay of Cherryfield  
Representative Jacqueline R. Norton of Bangor  
Representative Nancy Smith of Monmouth  
Representative Harold Clough of Scarborough  
Representative Vaughn Stedman of Hartland  
Representative Earle McCormick of West Gardiner  
Representative Leonard Earle Bierman of Sorrento  
Representative Patrick Flood of Winthrop

Should you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/John Richardson  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 11

**OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

December 14, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Public Laws 2003, Chapter 699 (LD 1815), this is to notify you that Sen. Bruce Bryant of Oxford will be a new member of the Citizen Trade Policy Commission. Sen. Bruce Bryant of Oxford will continue serving on this Commission until the end of his legislative term.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 12

**OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

December 15, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Chapter 58, P & S 1999, I am pleased to appoint Senator Elizabeth Mitchell of Kennebec to the Capitol Riverfront Improvement District Governing Board. She will be replacing Senator Beverly Daggett, representing the city of Augusta.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 14

**OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

December 17, 2004

Honorable Joy O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary O'Brien,

Pursuant to my authority under public Laws 2003, Chapter 699 (LD 1815), this is to notify you that Sen. Kevin Raye of Washington will be a new member of the Citizen Trade Policy commission. Sen. Raye will be replacing Sen. Kneeland of Aroostook.

Sen. Kevin Raye of Washington will continue serving on this Commission until the end of his legislative term.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 15

**STATE OF MAINE**

December 14, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to our authority under Title 10, MRSA, Chapter 107, Section 929-A, we are pleased to appoint Senator Lynn Bromley of Cumberland to the Maine Economic Growth Council. She will be serving a three-year term, representing a member of the

Legislature with a demonstrated interest in economic development.

Please let us know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John E. Baldacci  
Governor

S/John Richardson  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 16

**OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

December 20, 2004

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

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.3, I have made the following appointments to various Joint Standing Committees.

**Agriculture, Conservation and Forestry**

John M. Nutting, Chair (D-Androscoggin)  
Bruce S. Bryant (D-Oxford)  
Kevin L. Raye (R-Washington)

**Appropriations and Financial Affairs**

Margaret Rotundo, Chair (D-Androscoggin)  
John L. Martin (D-Aroostook)  
Richard A. Nass (R-York)

**Business, Research and Economic Development**

Lynn Bromley, Chair (D-Cumberland)  
Barry J. Hobbins (D-York)  
Dana L. Dow (R-Lincoln)

**Criminal Justice & Public Safety**

G. William Diamond, Chair (D-Cumberland)  
John M. Nutting (D-Androscoggin)  
Dean F. Clukey (R-Aroostook)

**Education and Cultural Affairs**

Elizabeth H. Mitchell, Chair (D-Kennebec)  
Elizabeth M. Schneider (D-Penobscot)

Karl W. Turner (R-Cumberland)

**Health and Human Services**

Arthur F. Mayo III, Chair (D-Sagadahoc)  
John L. Martin (D-Aroostook)  
Richard W. Rosen (R-Hancock)

**Inland Fisheries and Wildlife**

Bruce S. Bryant, Chair (D-Oxford)  
Joseph C. Perry (D-Penobscot)  
Chandler E. Woodcock (R-Franklin)

**Insurance and Financial Services**

Nancy B. Sullivan, Chair (D-York)  
Arthur F. Mayo III (D-Sagadahoc)  
Peter Mills (R-Somerset)

**Judiciary**

Barry J. Hobbins, Chair (D-York)  
Lynn Bromley (D-Cumberland)  
David R. Hastings III (R-Oxford)

**Labor**

Ethan Strimling, Chair (D-Cumberland)  
Philip L. Bartlett II (D-Cumberland)  
Lois A. Snowe-Mello (R-Androscoggin)

**Legal and Veterans Affairs**

Kenneth T. Gagnon, Chair (D-Kennebec)  
Elizabeth H. Mitchell (D-Kennebec)  
Debra D. Plowman (R-Penobscot)

**Marine Resources**

Dennis S. Damon, Chair (D-Hancock)  
Nancy B. Sullivan (D-York)  
Mary Black Andrews (R-York)

**Natural Resources**

Scott W. Cowger, Chair (D-Kennebec)  
John L. Martin (D-Aroostook)  
Lois A. Snowe-Mello (R-Androscoggin)

**State and Local Government**

Elizabeth M. Schneider, Chair (D-Penobscot)  
Margaret Rotundo (D-Androscoggin)  
Mary Black Andrews (R-York)

**Taxation**

Joseph C. Perry, Chair (D-Penobscot)  
Ethan Strimling (D-Cumberland)  
Jonathan T. E. Courtney (R-York)

**Transportation**

Dennis S. Damon, Chair (D-Hancock)  
G. William Diamond (D-Cumberland)  
Christine R. Savage (R-Knox)

**Utilities and Energy**

Philip L. Bartlett II, Chair (D-Cumberland)  
Scott W. Cowger (D-Kennebec)  
Carol Weston (R-Waldo)

Sincerely,

S/Beth Edmonds  
President of the Senate

Susan M. Austin (R-Gray)  
Robert A. Berube (R-Lisbon)  
John C. Robinson (R-Raymond)  
1 Vacancy

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 17

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

TO: Joy J. O'Brien  
Secretary of the Senate

FROM: S/John Richardson  
Speaker of the House

DATE: January 4, 2005

RE: Committee Appointments  
122nd Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees.

**Agriculture, Conservation and Forestry**

John F. Piotti, Chair (D-Unity)  
Jacqueline A. Lundeen (D-Mars Hill)  
Raymond G. Pineau (D-Jay)  
Joanne T. Twomey (D-Biddeford)  
Rodney C. Jennings (D-Leeds)  
Roderick W. Carr (R-Lincoln)\*  
Arlan R. Jodrey (R-Bethel)  
Roger L. Sherman (R-Hodgdon)  
Patrick S. A. Flood (R-Winthrop)  
Donald G. Marean (R-Hollis)

**Appropriations and Financial Affairs**

Joseph C. Brannigan, Chair (D-Portland)  
Benjamin F. Dudley (D-Portland)  
Margaret M. Craven (D-Lewiston)  
Jeremy Fischer (D-Presque Isle)  
Arthur L. Lerman (D-Augusta)  
Janet T. Mills (D-Farmington)  
H. Sawin Millett, Jr. (R-Waterford)\*  
Robert W. Nutting (R-Oakland)  
Stephen Bowen (R-Rockport)  
Darlene J. Curley (R-Scarborough)

**Business, Research and Economic Development**

Nancy E. Smith, Chair (D-Monmouth)  
Lillian LaFontaine O'Brien (D-Lewiston)  
Stephen R. Beaudette (D-Biddeford)  
Charles Earl Crosby III (D-Topsham)  
David W. Farrington (D-Gorham)  
Christopher Rector (R-Thomaston)\*

**Criminal Justice and Public Safety**

Patricia A. Blanchette, Chair (D-Bangor)  
Stan Gerzofsky (D-Brunswick)  
Carol A. Grose (D-Woolwich)  
Rosaire "Ross" Paradis, Jr. (D-Frenchville)  
Stephen P. Hanley (D-Gardiner)  
Richard M. Sykes (R-Harrison)\*  
John W. Churchill (R-Washburn)  
Christian D. Greeley (R-Levant)  
Kimberly J. Davis (R-Augusta)  
Gary E. Plummer (R-Windham)

**Education and Cultural Affairs**

Jacqueline R. Norton, Chair (D-Bangor)  
Edward D. Finch (D-Fairfield)  
Elaine Makas (D-Lewiston)  
Emily Ann Cain (D-Orono)  
Connie Goldman (D-Cape Elizabeth)  
Barbara E. Merrill (D-Appleton)  
Vaughn A. Stedman (R-Hartland)\*  
Gerald M. Davis (R-Falmouth)  
Peter Edgecomb (R-Caribou)  
Scott E. Lansley (R-Sabatius)

**Health and Human Services**

Hannah Pingree, Chair (D-North Haven)  
William R. Walcott (D-Lewiston)  
Carol A. Grose (D-Woolwich)  
Richard J. Burns (D-Berwick)  
Elizabeth S. Miller (D-Somerville)  
David C. Webster (D-Freeport)  
Thomas F. Shields (R-Auburn)\*  
James J. Campbell, Sr. (R-Newfield)  
Sarah O. Lewin (R-Eliot)  
Kevin J. Glynn (R-South Portland)  
Michael Sockalexis (Penobscot Nation)

**Inland Fisheries and Wildlife**

Thomas R. Watson, Chair (D-Bath)  
Walter A. Wheeler, Sr. (D-Kittery)  
Stanley A. Moody (D-Manchester)  
Jacqueline A. Lundeen (D-Mars Hill)  
Troy D. Jackson (D-Fort Kent)  
Mark E. Bryant (D-Windham)  
A. David Trahan (R-Waldoboro)\*  
Earl E. Richardson (R-Greenville)  
Richard M. Cebra (R-Naples)  
David E. Richardson (R-Carmel)

**Insurance and Financial Services**

Anne C. Perry, Chair (D-Calais)  
Lisa T. Marraché (D-Waterville)  
John R. Brautigam (D-Falmouth)  
Charles William Harlow (D-Portland)  
Donald E. Pilon (D-Saco)  
Kevin J. Glynn (R-South Portland)\*  
Michael A. Vaughan (R-Durham)

R. Kenneth Lindell (R-Frankfort)  
Jonathan B. McKane (R-Newcastle)  
Wesley E. Richardson (R-Warren)

James D. Annis (R-Dover-Foxcroft)  
Kimberley C. Rosen (R-Bucksport)

**Judiciary**

Deborah L. Pelletier-Simpson, Chair (D-Auburn)  
Sean Faircloth (D-Bangor)  
Stan Gerzofsky (D-Brunswick)  
Marilyn E. Canavan (D-Waterville)  
Mark E. Bryant (D-Windham)  
Michael Edward Dunn (D-Bangor)  
Roger L. Sherman (R-Hodgdon)\*  
Roderick W. Carr (R-Lincoln)  
Joan Bryant-Deschenes (R-Turner)  
Joan M. Nass (R-Acton)

**Labor**

William J. Smith, Chair (D-Van Buren)  
John L. Tuttle, Jr. (D-Sanford)  
Deborah J. Hutton (D-Bowdoinham)  
Troy D. Jackson (D-Fort Kent)  
Herbert E. Clark (D-Millinocket)  
Timothy E. Driscoll (D-Westbrook)  
Brian M. Duprey (R-Hampden)\*  
Philip A. Cressey, Jr. (R-Cornish)  
Darren M. Hall (R-Holden)  
James M. Hamper (R-Oxford)

**Legal and Veterans Affairs**

John L. Patrick, Chair (D-Rumford)  
John L. Tuttle, Jr. (D-Sanford)  
Charles D. Fisher (D-Brewer)  
Patricia A. Blanchette (D-Bangor)  
Linda M. Valentino (D-Saco)  
Randy E. Hotham (R-Dixfield)\*  
Richard B. Brown (R-South Berwick)  
Gary W. Moore (R-Standish)  
David N. Ott (R-York)  
Wright H. Pinkham, Sr. (R-Lexington Township)  
Frederick J. Moore III (Passamaquoddy Tribe)

**Marine Resources**

Leila J. Percy, Chair (D-Phippsburg)  
Walter E. Ash, Jr. (D-Belfast)  
Herbert Adams (D-Portland)  
Edward R. Dugay (D-Cherryfield)  
Jeff Kaelin (R-Winterport)\*  
H. Stedman Seavey, Jr. (R-Kennebunkport)  
Philip A. Cressey, Jr. (R-Cornish)  
Kenneth C. Fletcher (R-Winslow)  
Harold Ian Emery (R-Cutler)  
John Eder (G-Portland)

**Natural Resources**

Theodore S. Koffman, Chair (D-Bar Harbor)  
Joanne T. Twomey (D-Biddeford)  
Thomas B. Saviello (D-Wilton)  
Judd D. Thompson (D-China)  
Robert S. Duchesne (D-Hudson)  
Jane E. Eberle (D-South Portland)  
Robert A. Daigle (R-Arundel)\*  
Henry L. Joy (R-Crystal)

**State and Local Government**

Christopher R. Barstow, Chair (D-Gorham)  
Sonya G. Sampson (D-Auburn)  
Richard D. Blanchard (D-Old Town)  
Charles William Harlow (D-Portland)  
James M. Schatz (D-Blue Hill)  
Robert H. Crosthwaite (R-Ellsworth)\*  
George R. Bishop, Jr. (R-Boothbay)  
Howard E. McFadden (R-Dennysville)  
Bradley S. Moulton (R-York)  
Roberta M. Muse (R-Fryeburg)

**Taxation**

Richard G. Woodbury, Chair (U-Yarmouth)  
Herbert E. Clark (D-Millinocket)†  
Deborah J. Hutton (D-Bowdoinham)  
Raymond G. Pineau (D-Jay)  
Thomas R. Watson (D-Bath)  
Harold A. Clough (R-Scarborough)\*  
H. Stedman Seavey, Jr. (R-Kennebunkport)  
Earle L. McCormick (R-West Gardiner)  
Leonard Earl Bierman (R-Sorrento)  
Bruce Q. Hanley (R-Paris)

**Transportation**

Boyd P. Marley, Chair (D-Portland)  
Charles D. Fisher (D-Brewer)  
Rosaire "Ross" Paradis, Jr. (D-Frenchville)  
Sonya G. Sampson (D-Auburn)  
George W. Hogan, Sr. (D-Old Orchard Beach)  
Edward J. Mazurek (D-Rockland)  
Terrence P. McKenney (R-Cumberland)\*  
Ronald F. Collins (R-Wells)  
William P. Browne (R-Vassalboro)  
Douglas A. Thomas (R-Ripley)

**Utilities and Energy**

Lawrence Bliss, Chair (D-South Portland)  
Herbert Adams (D-Portland)  
Peter L. Rines (D-Wiscasset)  
Christopher W. Babbidge (D-Kennebunk)  
John R. Brautigam (D-Falmouth)  
Kenneth C. Fletcher (R-Winslow)\*  
Maitland E. Richardson (R-Skowhegan)  
Philip A. Curtis (R-Madison)  
Stacey Allen Fitts (R-Pittsfield)  
Everett W. McLeod, Sr. (R-Lee)

†Ranking Democratic Member

\*Ranking Republican Member

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 13

**TASK FORCE TO STUDY PARITY AND PORTABILITY OF RETIREMENT BENEFITS FOR STATE LAW ENFORCEMENT OFFICERS, MUNICIPAL AND COUNTY LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS**

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

December 27, 2004

\_\_\_\_\_  
On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED** to Thursday, January 6, 2005, at 10:00 in the morning.

The Honorable Beth Edmonds, President  
Maine Senate

The Honorable John Richardson, Speaker  
Maine House of Representatives

122<sup>nd</sup> Maine State Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2003, c. 76, the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Beth Edmonds, Senate Chair

S/Representative Robert Duplessie, House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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

\_\_\_\_\_  
Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_  
Off Record Remarks

\_\_\_\_\_  
Senator **BRENNAN** of Cumberland moved the Senate **ADJOURN** to Thursday, January 6, 2005, at 10:00 in the morning.

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