

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

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

In Senate Chamber
Thursday
March 23, 2006

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

Prayer by Reverend Karen Munson, Readfield United Methodist
Church.

REVEREND MUNSON: Let us be in a moment of quiet reflection
together. God, on behalf of Your people, I raise a prayer of
gratitude for the gifts gathered in this Body this day. Guide them
to work with humility as they listen in conferencing and as they
speak truthfully to one another and to Your people. Help them to
work in a way that honors those they serve and that honors all
who work for freedom. Help each of us to bear in mind this day
as we work those who we serve, from those who are most
vulnerable in our communities to those who gather our resources
and put them to work in this extraordinary world. God, as we
work, grant each of these gathered to claim a reserve of time and
strength for their own families and friends and neighbors so that
they are not isolated from their own communities. Help to bear in
mind the words of Dietrich Bonhoeffer who said, 'He who loves
his dream of a community more than the community itself
becomes a destroyer of the latter even though is personal
intentions may be ever so honest and earnest and sacrificial.'
Amen.

National Anthem performed by Cory Osborne from Schenck High
School in East Millinocket.

Doctor of the day, John Alexander, MD of York.

Reading of the Journal of Wednesday, March 22, 2006.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **GAGNON** of Kennebec, the following Joint Order:
S.P. 828

ORDERED, the House concurring, that when the House and
Senate adjourn, they do so until Monday, March 27, 2006, at
10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1480

ORDERED, the Senate concurring, that the Joint Standing
Committee on Health and Human Services shall report out, to the
House, a bill to address eating disorders.

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

READ and PASSED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 829

STATE OF MAINE
122ND MAINE LEGISLATURE

March 20, 2006

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated
the following as members to the Maine Maritime Academy Board
of Trustees:

Nicole St. Pierre of Castine for appointment
William Bullock of Orrington for appointment
Harrison Richardson of Gorham for reappointment

Pursuant to Public Law 1975, Chapter 771, Section 428, these
nominations will require review by the Joint Standing Committee
on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

Off Record Remarks

The Following Communication: S.P. 830

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 21, 2006

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated the following as District Court Judges:

John Nivison of Augusta for reappointment
John Romei of Calais for reappointment
Andrew Horton of Portland for reappointment
Ann Murray of Bangor for reappointment

Pursuant Title 4 M.R.S.A. §157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 831

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 21, 2006

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Andrew Mead of Bangor for reappointment as a Maine Superior Court Justice.

Pursuant Article V, Part 1, Section 8 of the Maine Constitution, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **UTILITIES AND ENERGY** on Resolve, Concerning the Collection of the Statewide E-9-1-1 Surcharge from Prepaid Wireless Telephone Service

H.P. 1476 L.D. 2088

Reported that the same **Ought to Pass**, pursuant to Resolve 2005, chapter 62, section 3.

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 Pursuant to Statute

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation" (EMERGENCY)

H.P. 1474 L.D. 2083

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **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 Implement Recommendations of the Criminal Law Advisory Commission"

H.P. 1403 L.D. 2001

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-858)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858) AND HOUSE AMENDMENT "A" (H-868)**.

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

READ ONCE.

Committee Amendment "A" (H-858) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-868) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Extend the Corrections Alternatives Advisory Committee" (EMERGENCY)

H.P. 1416 L.D. 2016

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-859)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-859)**.

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

READ ONCE.

Committee Amendment "A" (H-859) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend Procedures Used in Criminal Proceedings in Which the Victim Is Mentally Disabled"

H.P. 1187 L.D. 1679

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-845)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-845)**.

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

READ ONCE.

Committee Amendment "A" (H-845) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Regarding Sexual Assault Forensic Examinations"

H.P. 1313 L.D. 1873

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-846)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846)**.

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

READ ONCE.

Committee Amendment "A" (H-846) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify the Liquor Laws"

H.P. 1323 L.D. 1883

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-856).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-856).**

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

READ ONCE.

Committee Amendment "B" (H-856) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas"

H.P. 1300 L.D. 1860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-842).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842).**

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

READ ONCE.

Committee Amendment "A" (H-842) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Directing the Cumberland County Commissioners To Establish a Task Force To Establish New County Commissioner Districts

H.P. 1236 L.D. 1728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-840).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840).**

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

READ ONCE.

Committee Amendment "A" (H-840) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement and Abatement Costs

H.P. 1438 L.D. 2040

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-857).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-857).**

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

READ ONCE.

Committee Amendment "A" (H-857) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Kennebunk Light and Power District" (EMERGENCY)

H.P. 1420 L.D. 2019

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-835).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835).**

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

READ ONCE.

Committee Amendment "A" (H-835) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Elementary School Closing Process for School Administrative Districts and Community School Districts"

H.P. 1307 L.D. 1867

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-838)**.

Signed:

Senator:
TURNER of Cumberland

Representatives:
DAVIS of Falmouth
FINCH of Fairfield
NORTON of Bangor
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston
LANSLEY of Sabattus

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

Signed:

Senators:
MITCHELL of Kennebec
SCHNEIDER of Penobscot

Representatives:
EDGEComb of Caribou
CAIN of Orono
MERRILL of Appleton

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Clarify the Unemployment Laws Relating to Subcontractors"
H.P. 1287 L.D. 1847

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-839)**.

Signed:

Senators:
SNOWE-MELLO of Androscoggin
BARTLETT of Cumberland

Representatives:
DRISCOLL of Westbrook
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

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

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
SMITH of Van Buren
JACKSON of Allagash
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil"
H.P. 1383 L.D. 1975

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-843)**.

Signed:

Senators:
COWGER of Kennebec
MARTIN of Aroostook

Representatives:

WHEELER of Kittery
DAIGLE of Arundel
DUCHESNE of Hudson
EBERLE of South Portland
KOFFMAN of Bar Harbor
TWOMEY of Biddeford
ROSEN of Bucksport
THOMPSON of China

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-844).**

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
ANNIS of Dover-Foxcroft

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843).**

Reports **READ.**

Senator **COWGER** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843)** Report, in concurrence.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **COWGER** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843)** Report, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services (EMERGENCY)

H.P. 1401 L.D. 1999

Reported that the same **Ought to Pass.**

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

CROSTHWAITE of Ellsworth
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
BARSTOW of Gorham
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-841).**

Signed:

Representative:

BROWNE of Vassalboro

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

Reports **READ.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Ten members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve Recreational Watercraft Safety"

H.P. 231 L.D. 307

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-850).**

Signed:

Senators:

PERRY of Penobscot
WOODCOCK of Franklin

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
SAVIELLO of Wilton
CEBRA of Naples
MOODY of Manchester
TRAHAN of Waldoboro
RICHARDSON of Greenville
RICHARDSON of Carmel

Two 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-851)**.

Signed:

Senator:

BRYANT of Oxford

Representative:

JACKSON of Allagash

One member 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-852)**.

Signed:

Representative:

SYKES of Harrison

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-850) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-850)**.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-851)**, 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 "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-851)**, in **NON-CONCURRENCE**.

Divided Report

Nine members of the Committee on **MARINE RESOURCES** on Bill "An Act Relating to Elver Fishing" (EMERGENCY)
H.P. 1421 L.D. 2020

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-847)**.

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
ANDREWS of York

Representatives:

FLETCHER of Winslow
EMERY of Cutler
ASH of Belfast
EDER of Portland
KAELIN of Winterport

ADAMS of Portland

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Representatives:

DUGAY of Cherryfield
CRESSEY of Cornish

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-848)**.

Signed:

Representative:

PERCY of Phippsburg

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847)**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-847) **READ and ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **BROMLEY** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)
S.P. 791 L.D. 2047

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-510)**.

Report **READ and ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-510) **READ and ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Protecting Youth from Losing Health Insurance Coverage"

S.P. 777 L.D. 2014

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-512)**.

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

READ ONCE.

Committee Amendment "A" (S-512) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services"

S.P. 677 L.D. 1760

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-515)**.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
BURNS of Berwick
MILLER of Somerville
WEBSTER of Freeport
CAMPBELL of Newfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-516)**.

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
LEWIN of Eliot
GLYNN of South Portland

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-515)** Report.)

Reports **READ**.

Senator MAYO of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)** Report.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Contract Indemnification"

S.P. 362 L.D. 1045

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

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFISKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
CARR of Lincoln
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-514)**.

Signed:

Senators:

HOBBINS of York
HASTINGS of Oxford

Representative:

BRYANT-DESCHENES of Turner

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification
S.P. 782 L.D. 2033

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-513)**.

Signed:

Senator:

GAGNON of Kennebec

Representatives:

OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
NASS of Acton
BROWN of South Berwick

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

Signed:

Senators:

MITCHELL of Kennebec
PLOWMAN of Penobscot

Representatives:

FISHER of Brewer
MOORE of Standish

Reports **READ**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-513) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Drew Plantation"

S.P. 679 L.D. 1762

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-511)**.

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
BROWNE of Vassalboro
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
HARLOW of Portland

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

House

Bill "An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes" (EMERGENCY)

H.P. 1404 L.D. 2002

Bill "An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless"

H.P. 1442 L.D. 2046

Bill "An Act To Establish Harbor Master Training Requirements"

H.P. 1448 L.D. 2054

Bill "An Act Regarding Energy Efficiency Standards for Residential Rental Properties"

H.P. 1468 L.D. 2074

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

House As Amended

Bill "An Act To Improve Workplace Safety"
H.P. 1206 L.D. 1699
(C "A" H-828)

Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships"

H.P. 1314 L.D. 1874
(C "A" H-831)

Bill "An Act To Allow the Display of POW-MIA Flags at Courthouses"

H.P. 1340 L.D. 1899
(C "A" H-827)

Bill "An Act To Amend the Law Regarding Smoking in Private Clubs" (EMERGENCY)

H.P. 1342 L.D. 1901
(C "A" H-830)

RESOLUTION, Amending the Constitution of Maine To Lower the Age of Eligibility for Election to the House of Representatives

H.P. 1353 L.D. 1912
(C "A" H-809)

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

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

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

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act To Clarify the Workplace Smoking Laws"
S.P. 726 L.D. 1926

READ A SECOND TIME.

Senator **MAYO** of Sagadahoc moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **MAYO** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate As Amended

Bill "An Act To Establish the Uniform Partnership Act"
S.P. 591 L.D. 1609
(C "A" S-506)

Bill "An Act To Deter Environmental Terrorism in the State"
S.P. 706 L.D. 1789
(C "A" S-504)

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

Sent down for concurrence.

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

On motion by Senator **MARTIN** of Aroostook, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Inland Fisheries and Wildlife**

The **Department of Inland Fisheries and Wildlife**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

H.P. 1481 L.D. 2090

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Senate called to order by the President.

Report **READ** and **REJECTED**.

ORDERS OF THE DAY

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Unfinished Business

The following matter 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.

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

The Chair laid before the Senate the following Tabled and Later (3/9/06) Assigned matter:

PAPERS FROM THE HOUSE

Joint Order

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Deorganization of the Town of Cooper"

S.P. 781 L.D. 2030

The following Joint Order:

H.P. 1482

Majority - **Ought to Pass** (8 members)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall study the adequacy of information provided by the Office of the Secretary of State regarding referendum questions and the accessibility of this information to the citizens of this State. The committee may report out, to the House, a bill relating to the study.

Minority - **Ought Not to Pass** (5 members)

Tabled - March 9, 2006, by Senator **WESTON** of Waldo

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

Pending - motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

READ and **PASSED**, in concurrence.

(In Senate, February 28, 2006, Reports **READ**.)

(See action later today.)

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

Senate at Ease.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **PASSED**, in concurrence, the following:

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

Joint Order - Directing the Joint Standing Committee on Legal and Veterans Affairs to Study the Adequacy of Information Provided by the Office of the Secretary of State Regarding Referendum Questions

Off Record Remarks

H.P. 1482

(In House, March 23, 2006, **READ** and **PASSED**.)

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Monday, March 27, 2006, at 10:00 in the morning.

Senate at Ease.