

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

Second Regular Session
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Pages 1382 - 2139

Representatives 7 Austin of Gray, Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Robinson of Raymond, Smith of Monmouth

YEAS Senators 2 Bromley of Cumberland, Dow of Lincoln

Representatives 9 Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth

NAYS 0

ABSENT 3 Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston

NAYS 0

ABSENT 2 Rep. Crosby of Topsham, Sen. Hobbins of York

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Theodora J. Kalikow of Farmington, for reappointment to the Finance Authority of Maine be confirmed. Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **BRENNAN** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward A. Cormier of Minot, for reappointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **BRENNAN** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 580

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

March 29, 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 Business, Research and Economic Development has had under consideration the nomination of Edward A. Cormier of Minot, for reappointment to the Maine Rural Development Authority.

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:

The Following Communication: S.C. 581

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

March 29, 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 Business, Research and Economic Development has had under consideration the nomination of Alain M. Ouellette of Fort Kent, for reappointment to the Maine Rural Development Authority.

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	2	Bromley of Cumberland, Dow of Lincoln
	Representatives	9	Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth
NAYS		0	
ABSENT		2	Rep. Crosby of Topsham, Sen. Hobbins of York

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alain M. Ouellette of Fort Kent, for reappointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **BRENNAN** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)
H.P. 1464 L.D. 2069

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

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.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Regarding Legislative Review of Portions of Chapter 1.03: Waters of Special Significance, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)
H.P. 1461 L.D. 2066

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

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 As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Maine Sanitary District Enabling Act"
H.P. 468 L.D. 635

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-908).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-908).**

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

READ ONCE.

Committee Amendment "A" (H-908) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

H.P. 653 L.D. 934

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-750)**.

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

JENNINGS of Leeds
LUNDEEN of Mars Hill
TWOMEY of Biddeford
SHERMAN of Hodgdon

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

Signed:

Representatives:

PIOTTI of Unity
JODREY of Bethel
CARR of Lincoln
MAREAN of Hollis
FLOOD of Winthrop
EDGECOMB of Caribou

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-750) AS AMENDED BY HOUSE AMENDMENT "A" (H-907)** thereto.

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-750) **READ**.

House Amendment "A" (H-907) to Committee Amendment "B" (H-750) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (H-750) as Amended by House Amendment "A" (H-907) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Laws Governing the Excise Tax on New Automobiles" H.P. 1284 L.D. 1844

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland
COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-912)**.

Signed:

Representatives:

CLARK of Millinocket
BIERMAN of Sorrento

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

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Maine Agricultural Drought Protection Act" (EMERGENCY) S.P. 693 L.D. 1776

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-540)**.

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

READ ONCE.

Committee Amendment "A" (S-540) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Use of Dedicated Funds for the Preservation of Deeds Records"
S.P. 804 L.D. 2063

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-538)**.

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

READ ONCE.

Committee Amendment "A" (S-538) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure the Long-term Capacity of Municipal Landfills" (EMERGENCY)

S.P. 712 L.D. 1795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-539)**.

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook

Representatives:

WHEELER of Kittery
DUCHESNE of Hudson
ANNIS of Dover-Foxcroft
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 Not To Pass**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
DAIGLE of Arundel

Reports **READ**.

Senator **COWGER** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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** Report.

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

SECOND READERS

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

House As Amended

Bill "An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides"

H.P. 1168 L.D. 1657
(C "A" H-885)

Bill "An Act To Amend the Laws Governing Living Wills of Terminally Ill Persons"

H.P. 1282 L.D. 1842
(C "A" H-890)

Bill "An Act To Prevent Price Gouging"

H.P. 1333 L.D. 1892
(H "A" H-894 to C "A" H-875)

Resolve, Directing the Department of Environmental Protection To Establish Standards for the Cleanup of Mold

H.P. 1381 L.D. 1971
(C "A" H-887)

Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1385 L.D. 1977
(C "A" H-855)

Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1388 L.D. 1981
(C "A" H-883)

Bill "An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony"

H.P. 1395 L.D. 1993
(C "A" H-904)

Bill "An Act To Protect the Privacy of Cellular Telephone Customers"

H.P. 1436 L.D. 2038
(C "A" H-892)

Resolve, Regarding Legislative Review of Portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a Major Substantive Rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions (EMERGENCY)

H.P. 1462 L.D. 2067
(C "A" H-905)

Bill "An Act To Address Eating Disorders in Maine"

H.P. 1487 L.D. 2094
(H "A" H-900)

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

Bill "An Act To Provide for Victims of Trafficking"

H.P. 893 L.D. 1296
(S "A" S-534 to C "A" H-864)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones" (EMERGENCY)

S.P. 660 L.D. 1743
(C "A" S-535)

Bill "An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations"

S.P. 666 L.D. 1749
(C "A" S-530)

Bill "An Act To Protect Children from Contact with Convicted Sex Offenders"

S.P. 695 L.D. 1778
(C "A" S-536)

Bill "An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats"

S.P. 709 L.D. 1792
(C "A" S-533)

Bill "An Act To Ensure the Continued Viability of Affordable Housing"

S.P. 713 L.D. 1796
(C "A" S-531)

Bill "An Act To Clarify the Qualifications for the Maine Residents Property Tax Program" (EMERGENCY)

S.P. 714 L.D. 1797
(C "A" S-532)

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.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas

H.P. 1300 L.D. 1860
(C "A" H-842)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Extend the Corrections Alternatives Advisory Committee

H.P. 1416 L.D. 2016
(C "A" H-859)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Measure

An Act To Amend the Charter of the Kennebunk Light and Power District

H.P. 1420 L.D. 2019
(C "A" H-835)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act Relating to Elver Fishing

H.P. 1421 L.D. 2020
(C "A" H-847)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Authorize Certain County Jail Employees To Perform Certain Ministerial and Notary Functions for Inmates

H.P. 1429 L.D. 2031
(C "A" H-863)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act Relating to Mergers and Consolidations of Corporations without Capital Stock

H.P. 1431 L.D. 2034

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds

S.P. 791 L.D. 2047
(C "A" S-510)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation

H.P. 1474 L.D. 2083

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

H.P. 1401 L.D. 1999

Comes From the House, **FAILED FINAL PASSAGE.**

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.**

Acts

An Act To Improve Recreational Watercraft Safety

H.P. 231 L.D. 307
(C "A" H-850)

An Act To Amend the Procedures Used in Criminal Proceedings Involving Victims with Developmental Disabilities

H.P. 1187 L.D. 1679
(C "A" H-845)

An Act Regarding Sexual Assault Forensic Examinations

H.P. 1313 L.D. 1873
(C "A" H-846)

An Act To Clarify the Liquor Laws

H.P. 1323 L.D. 1883
(C "B" H-856)

An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers

H.P. 1327 L.D. 1887
(H "A" H-884 to C "A" H-813)

An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil

H.P. 1383 L.D. 1975
(C "A" H-843)

An Act To Implement Recommendations of the Criminal Law
Advisory Commission

H.P. 1403 L.D. 2001
(C "A" H-858; H "A" H-868)

READ and **PASSED**, in concurrence.

An Act Protecting Youth from Losing Health Insurance Coverage

S.P. 777 L.D. 2014
(C "A" S-512)

Off Record Remarks

PASSED TO BE ENACTED and having been signed by the
President were presented by the Secretary to the Governor for his
approval.

Senator **DAMON** of Hancock was granted unanimous consent to
address the Senate off the Record.

Resolves

Resolve, To Name the New Bridge in Augusta Spanning the
Kennebec River "Cushnoc Crossing"

H.P. 1445 L.D. 2051

Resolve, Concerning the Collection of the Statewide E-9-1-1
Surcharge from Prepaid Wireless Telephone Service

H.P. 1476 L.D. 2088

FINALLY PASSED and having been signed by the President
were presented by the Secretary to the Governor for his approval.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**,
to Monday, April 3, 2006, at 10:00 in the morning.

Resolve, Directing the Department of Transportation To Review
Its Highway Traffic Noise Policy

H.P. 1438 L.D. 2040
(C "A" H-857)

On motion by Senator **DAMON** of Hancock, placed on the
SPECIAL HIGHWAY TABLE, pending **FINAL PASSAGE**, in
concurrence.

Senate at Ease.

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

Joint Order

The following Joint Order:

H.P. 1488

ORDERED, the Senate concurring, that the Joint Standing
Committee on Health and Human Services shall report out, to the
House, a bill concerning the tracking of the distribution of
influenza immunizing agents in the State.

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