

MAINE STATE LEGISLATURE

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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

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

In Senate Chamber
Wednesday
January 3, 2007

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

Prayer by The Very Reverend Frank J. Murray, Sacred Heart,
Saint Louis, and Saint Philip, Catholic Churches of Auburn, Saint
Catherine Catholic Church of Norway, Our Lady of Ransom and
Mechanic Falls.

REVEREND MURRAY: Let us pray. Loving God, we gather this
day as we begin the challenging work which faces the good State
of Maine, the 123rd Legislature, and the Maine Senate. We do
this with humility, acknowledging our individual limitations. We do
this with openness, knowing we gather together and we bring a
vastness and a variety of talents. We do this 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 we may have 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 state government. In a particular way we
pray for our Governor, John Baldacci, who will be inaugurated this
evening. Send Your blessings upon him. 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. Help us to truly accomplish Your will
for all of us. We make this prayer in Your name. Amen.

Pledge of Allegiance led by Senator Philip L. Bartlett II of
Cumberland County.

Doctor of the day, Jo Linder, M.D. of Falmouth.

Reading of the Journal of Wednesday, December 6, 2006.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MITCHELL** of Kennebec, the following Senate Order:
S.P. 14

ORDERED, the House concurring, that the returns of votes for
the Governor, given in the several cities, towns and plantations of
the State for the political years 2007, 2008, 2009 and 2010, be
referred to a Joint Select Committee of seven on the part of the
Senate, with such as the House may join.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, on motion by
Senator **MITCHELL** of Kennebec, the following Senate Order:
S.O. 10

ORDERED, that a message be sent to the House of
Representatives proposing a Convention of the two branches of
the Legislature be held at 6:30 this evening at the Augusta Civic
Center for the purpose of administering to the Honorable John
Elias Baldacci, Governor-elect, the oaths required by the
Constitution to qualify him to enter upon the discharge of his
official duties and to receive such communication as he may be
pleased to make.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator
MITCHELL to deliver the message to the House of
Representatives. The Sergeant-At-Arms escorted the Senator to
the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **MITCHELL**
reported that she had delivered the message with which she was
charged.

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

COMMUNICATIONS

The Following Communication: S.C. 17

123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003

January 3, 2007

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

Dear Secretary O'Brien:

In compliance with Joint Order (S.P. 14), I am pleased to appoint
the following members to the Gubernatorial Vote Committee:

Senator Joseph C. Perry of Penobscot, Chair
Senator Peter B. Bowman of York
Senator Lisa T. Marrache of Kennebec
Senator Bruce S. Bryant of Oxford
Senator Debra D. Plowman of Penobscot
Senator Dana L. Dow of Lincoln
Senator Walter R. Gooley of Franklin

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: S.P. 13

**123RD MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 13, 2006

Hon. Beth Edmonds
President of the Senate
123rd Legislature

Hon. Glenn Cummings
Speaker of the House
123rd Legislature

Dear Madam President and Mr. Speaker:

On December 13, 2006, 2 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 13, 2006, as follows:

Judiciary

Bill "An Act To Increase Reimbursement for Jury Duty" (S.P. 11) (L.D. 1) (Sponsored by Senator NUTTING of Androscoggin) (Cosponsored by Representative SIMPSON of Auburn and Senators: ROTUNDO of Androscoggin, MILLS of Somerset, HASTINGS of Oxford, STRIMLING of Cumberland, Representatives: PINGREE of North Haven, MILLS of Farmington)

Taxation

Bill "An Act To Provide a Tax Credit for the Purchase of a Hybrid or Clean Fuel Vehicle" (S.P. 12) (L.D. 2) (Sponsored by Senator COURTNEY of York) (Cosponsored by Representative WATSON of Bath and Senators: NASS of York, McCORMICK of Kennebec, PERRY of Penobscot, Representatives: AUSTIN of Gray,

BROWNE of Vassalboro, BABBIDGE of Kennebunk,
FARRINGTON of Gorham, NASS of Acton)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 18

**STATE OF MAINE
123RD MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 18, 2006

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
123rd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated the Honorable John Richardson of Brunswick for appointment as Commissioner of Economic and Community Development.

Pursuant to M.R.S.A. Title 5 §13057, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 19

**STATE OF MAINE
123RD MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 18, 2006

Sen. Philip L. Bartlett II
Senate Chair, Joint Standing Committee on Utilities and Energy
Rep. Lawrence Bliss
House Chair, Joint Standing Committee on Utilities and Energy
123rd Legislature
Augusta, ME 04333

Dear Senator Bartlett and Representative Bliss:

Please be advised that Governor John E. Baldacci has nominated Vendean Vafiades of Hallowell for appointment to the Public Utilities Commission.

Pursuant to M.R.S.A. Title 35-A §105, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

The Following Communication: S.P. 20

**STATE OF MAINE
123RD MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 18, 2006

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Andrew Horton of Falmouth for appointment to the Superior Court for the State of Maine.

Pursuant to Constitution of the State of Maine Article 5, Part 1, Section 8, 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/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 21

**STATE OF MAINE
123RD MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

December 18, 2006

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated the following to the District Court for the State of Maine:

Michael Cantara of Biddeford for appointment
Charles Dow of Winthrop for appointment
MaryGay Kennedy of Brunswick for appointment
Valerie Stanfill of Turner for appointment

Pursuant to M.R.S.A Title 4 §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/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 23

**STATE OF MAINE
123RD LEGISLATURE
AUGUSTA, MAINE 04333**

December 29, 2006

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated John O'Neil of Kennebec for appointment to the District Court for the State of Maine.

Pursuant to M.R.S.A Title 4 § 157 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/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

The Following Communication: S.C. 8

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 6, 2006

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 Joint Rule 354, I have made the following appointments to the Joint Select Committee on Joint Rules:

Senator John L. Martin of Aroostook, Chair
Senator Elizabeth H. Mitchell of Kennebec
Senator Philip L. Bartlett II of Cumberland
Senator Carol Weston of Waldo
Senator Richard W. Rosen of Penobscot

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 13

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 21, 2006

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-Aroostoggin)
Margaret Rotundo (D-Aroostoggin)
Roger L. Sherman (R-Aroostook)

Appropriations and Financial Affairs

Margaret Rotundo, Chair (D-Aroostoggin)
John L. Martin (D-Aroostook)
Karl W. Turner (R-Cumberland)

Business, Research and Economic Development

Lynn Bromley, Chair (D-Cumberland)
Elizabeth M. Schneider (D-Penobscot)
Jonathan T. E. Courtney (R-York)

Criminal Justice & Public Safety

G. William Diamond, Chair (D-Cumberland)
Earle L. McCormick (R-Kennebec)
Roger L. Sherman (R-Aroostook)

Education and Cultural Affairs

Peter B. Bowman, Chair (D-York)
Elizabeth H. Mitchell (D-Kennebec)
Peter Mills (R-Somerset)

Health and Human Services

Joseph C. Brannigan, Chair (D-Cumberland)
Lisa T. Marrache (D-Kennebec)
Kevin L. Raye (R-Washington)

Inland Fisheries and Wildlife

Bruce S. Bryant, Chair (D-Oxford)
Joseph C. Perry (D-Penobscot)
Walter R. Gooley (R-Franklin)

Insurance and Financial Services

Nancy B. Sullivan, Chair (D-York)
Peter B. Bowman (D-York)
Lois A. Snowe-Mello (R-Androscoggin)

Judiciary

Barry J. Hobbins, Chair (D-York)
John M. Nutting (D-Androscoggin)
David R. Hastings III (R-Oxford)

Labor

Ethan K. Strimling, Chair (D-Cumberland)
Nancy B. Sullivan (D-York)
Dana L. Dow (R-Lincoln)

Legal and Veterans Affairs

Lisa T. Marrache, Chair (D-Kennebec)
Bruce S. Bryant (D-Oxford)
Debra D. Plowman (R-Penobscot)

Marine Resources

Dennis S. Damon, Chair (D-Hancock)
Dana L. Dow (R-Lincoln)
Lois A. Snowe-Mello (R-Androscoggin)

Natural Resources

John L. Martin, Chair (D-Aroostook)
Philip L. Bartlett II (D-Cumberland)
Douglas M. Smith (R-Piscataquis)

State and Local Government

Elizabeth M. Schneider, Chair (D-Penobscot)
Joseph C. Brannigan (D-Cumberland)
Paula I. Benoit (R-Sagadahoc)

Taxation

Joseph C. Perry, Chair (D-Penobscot)
Ethan Strimling (D-Cumberland)
Richard A. Nass (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)
Barry J. Hobbins (D-York)
Douglas M. Smith (R-Piscataquis)

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 15

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

January 3, 2007

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 Joint Rule 371, I have appointed the following members to the Government Oversight Committee:

Representative Marilyn E. Canavan, Chair (D-Waterville)
Representative Peggy A. Pendleton (D-Scarborough)
Representative Andrea M. Boland (D-Sanford)
Representative Scott E. Lansley (R-Sabattus)*
Representative Michael A. Vaughan (R-Durham)
Representative Everett W. McLeod, Sr. (R-Lee)

*Ranking Republican Member

Sincerely,

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 14

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

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

FROM: S/Glenn Cummings
Speaker of the House

DATE: January 3, 2007

RE: Committee Appointments
123rd 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

Wendy Pieh, Chair (D-Bremen)
 Jacqueline A. Lundeen (D-Mars Hill)
 Raymond G. Pineau (D-Jay)
 John F. Piotti (D-Unity)
 Timothy A. Carter (D-Bethel)
 Benjamin Marriner Pratt (D-Eddington)
 Donald G. Marean (R-Hollis)*
 Peter Edgecomb (R-Caribou)
 Dean A. Cray (R-Palmyra)
 Jeffery A. Gifford (R-Lincoln)

Appropriations and Financial Affairs

Jeremy R. Fischer, Chair (D-Presque Isle)
 Margaret M. Craven (D-Lewiston)
 Janet T. Mills (D-Farmington)
 Emily Ann Cain (D-Orono)
 Linda M. Valentino (D-Saco)
 David C. Webster (D-Freeport)
 H. Sawin Millett, Jr. (R-Waterford)*
 Patrick S. A. Flood (R-Winthrop)
 John C. Robinson (R-Raymond)
 Jayne Crosby Giles (R-Belfast)

Business, Research and Economic Development

Nancy E. Smith, Chair (D-Monmouth)
 Stephen R. Beaudette (D-Biddeford)
 Richard C. Cleary (D-Houlton)
 W. Bruce MacDonald (D-Boothbay)
 Mark Paul Samson (D-Auburn)
 Kimberly E. W. Silsby (D-Augusta)
 Christopher W. Rector (R-Thomaston)*
 Susan M. W. Austin (R-Gray)
 Michael Gary Beaulieu (R-Auburn)
 Kerri L. Prescott (R-Topsham)

Criminal Justice and Public Safety

Stan Gerzofsky, Chair (D-Brunswick)
 Patricia A. Blanchette (D-Bangor)
 Anne M. Haskell (D-Portland)
 Stephen P. Hanley (D-Gardiner)
 Dawn Hill (D-York)
 Bryan T. Kaenrath (D-South Portland)
 Richard M. Sykes (R-Harrison)*
 Christian D. Greeley (R-Levant)
 Gary E. Plummer (R-Windham)
 Joseph L. Tibbetts (R-Columbia)

Education and Cultural Affairs

Jacqueline R. Norton, Chair (D-Bangor)
 Edward D. Finch (D-Fairfield)
 Elaine Makas (D-Lewiston)
 David W. Farrington (D-Gorham)
 Charles William Harlow (D-Portland)
 Patricia B. Sutherland (D-Chapman)
 Peter Edgecomb (R-Caribou)*
 Howard E. McFadden (R-Dennysville)
 Roberta M. Muse (R-Fryeburg)

Meredith N. Strang Burgess (R-Cumberland)

Health and Human Services

Anne C. Perry, Chair (D-Calais)
 William R. Walcott (D-Lewiston)
 Carol A. Grose (D-Woolwich)
 Elizabeth S. Miller (D-Somerville)
 Paulette G. Beaudoin (D-Biddeford)
 Gary A. Connor (D-Kennebunk)
 Robert P. Walker (R-Lincolnville)*
 James J. Campbell, Sr. (R-Newfield)
 Sarah O. Lewin (R-Eliot)
 Donna W. Finley (R-Skowhegan)
 Donald G. Soctomah (Passamaquoddy Tribe)

Inland Fisheries and Wildlife

Troy Dale Jackson, Chair (D-Allagash)
 Walter A. Wheeler, Sr. (D-Kittery)
 Jacqueline A. Lundeen (D-Mars Hill)
 Mark E. Bryant (D-Windham)
 Edward D. Finch (D-Fairfield)
 Jane E. Eberle (D-South Portland)
 David E. Richardson (R-Carmel)*
 Earl E. Richardson (R-Greenville)
 Everett W. McLeod, Sr. (R-Lee)
 Thomas B. Saviello (U-Wilton)

Insurance and Financial Services

John R. Brautigam, Chair (D-Falmouth)
 Marilyn E. Canavan (D-Waterville)
 Sharon Anglin Treat (D-Farmingdale)
 Charles R. Priest (D-Brunswick)
 Jill M. Conover (D-Oakland)
 Patsy Garside Crockett (D-Augusta)
 Wesley E. Richardson (R-Warren)*
 Michael A. Vaughan (R-Durham)
 Jonathan B. McKane (R-Newcastle)
 David G. Savage (R-Falmouth)

Judiciary

Deborah L. Simpson, Chair (D-Auburn)
 Janet T. Mills (D-Farmington)
 Mark E. Bryant (D-Windham)
 Michael E. Dunn (D-Bangor)
 Alan M. Casavant (D-Biddeford)
 Cynthia A. Dill (D-Cape Elizabeth)
 Abigail Holman (R-Fayette)*
 Joan M. Nass (R-Acton)
 Robert A. Berube (R-Lisbon)
 Lawrence E. Jacobsen (R-Waterboro)
 Donna M. Loring (Penobscot Nation)

Labor

John L. Tuttle, Jr., Chair (D-Sanford)
 Troy Dale Jackson (D-Allagash)
 Herbert E. Clark (D-Millinocket)
 Timothy E. Driscoll (D-Westbrook)
 Anne M. Haskell (D-Portland)
 Richard John Burns (D-Berwick)
 Brian M. Duprey (R-Hampden)*
 Philip A. Cressey, Jr. (R-Cornish)
 Henry L. Joy (R-Crystal)

Richard M. Sykes (R-Harrison)

Legal and Veterans Affairs

John L. Patrick, Chair (D-Rumford)
John L. Tuttle, Jr. (D-Sanford)
Patricia A. Blanchette (D-Bangor)
Michael A. Shaw (D-Standish)
Pamela Jabar Trinward (D-Waterville)
Lance Weddell (D-Frankfort)
Joan M. Nass (R-Acton)*
Wright H. Pinkham, Sr. (R-Lexington Township)
Bonnie S. Gould (R-South Berwick)
Abigail Holman (R-Fayette)

Marine Resources

Leila J. Percy, Chair (D-Phippsburg)
Herbert Adams (D-Portland)
Peggy A. Pendleton (D-Scarborough)
Edward J. Mazurek (D-Rockland)
Robert N. Eaton (D-Sullivan)
W. Bruce MacDonald (D-Boothbay)
John F. McDonough (R-Scarborough)*
Philip A. Cressey, Jr. (R-Cornish)
Kenneth C. Fletcher (R-Winslow)
Harold Ian Emery (R-Cutler)

Natural Resources

Theodore S. Koffman, Chair (D-Bar Harbor)
Robert S. Duchesne (D-Hudson)
Jane E. Eberle (D-South Portland)
Christopher W. Babbidge (D-Kennebunk)
David Miramant (D-Camden)
Richard V. Wagner (D-Lewiston)
James M. Hamper (R-Oxford)*
James D. Annis (R-Dover-Foxcroft)
John F. McDonough (R-Scarborough)
Bernard L. A. Ayotte (R-Caswell)

State and Local Government

Christopher R. Barstow, Chair (D-Gorham)
Stephen R. Beaudette (D-Biddeford)
James M. Schatz (D-Blue Hill)
Andrea M. Boland (D-Sanford)
Teresea M. Hayes (D-Buckfield)
Lawrence G. Sirois (D-Turner)
Henry L. Joy (R-Crystal)*
Philip A. Curtis (R-Madison)
H. David Cotta (R-China)
Windol C. Weaver (R-York)

Taxation

John F. Piotti, Chair (D-Unity)
Herbert E. Clark (D-Millinocket)
Anne M. Rand (D-Portland)
Thomas R. Watson (D-Bath)
Donald E. Pilon (D-Saco)
Randy E. Hotham (R-Dixfield)*
Scott E. Lansley (R-Sabattus)
Kathleen D. Chase (R-Wells)
L. Gary Knight (R-Livermore Falls)
Richard G. Woodbury (U-Yarmouth)

Transportation

Boyd P. Marley, Chair (D-Portland)
Charles D. Fisher (D-Brewer)
George W. Hogan, Sr. (D-Old Orchard Beach)
Edward J. Mazurek (D-Rockland)
Ann E. Peoples (D-Westbrook)
Charles Ken Theriault (D-Madawaska)
William P. Browne (R-Vassalboro)*
Douglas A. Thomas (R-Ripley)
Richard M. Cebra (R-Naples)
Kimberley C. Rosen (R-Bucksport)

Utilities and Energy

Lawrence Bliss, Chair (D-South Portland)
Herbert Adams (D-Portland)
Peter L. Rines (D-Wiscasset)
Richard D. Blanchard (D-Old Town)
Seth A. Berry (D-Bowdoinham)
Jon Hinck (D-Portland)
Kenneth C. Fletcher (R-Winslow)*
Philip A. Curtis (R-Madison)
Stacey Allen Fitts (R-Pittsfield)
Michael Thibodeau (R-Winterport)

*Ranking Republican Member

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 16

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

December 29, 2006

President Beth Edmonds
Maine State Senate
State House Station 3
Augusta, ME 04330

Dear President Edmonds,

I am pleased to report that today Senator-elect Christine R. Savage of Knox took and subscribed the necessary oaths of office required. The Certificate of Qualification has been forwarded to the Secretary of State for filing.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 9

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

December 29, 2006

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0002

Dear Secretary O'Brien:

Pursuant to my authority under Joint Rule 354, I am pleased to appoint the following Legislative House members to the Joint Select Committee on Joint Rules;

Representative Stan Gerzofsky of Brunswick as House Chair
Representative Herbert Adams of Portland
Representative Nancy E. Smith of Monmouth
Representative Henry L. Joy of Crystal
Representative Stacey Allen Fitts of Pittsfield

Should you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 10

**STATE OF MAINE
HUMAN TRAFFICKING TASK FORCE
AUGUSTA, MAINE 04333**

December 19, 2006

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable Glenn Cummings, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Resolves 2005, Chapter 200, the Task Force to Study Human Trafficking 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 Bill Diamond, Senate Chair

S/Representative Marilyn E. Canavan, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 11

**STATE OF MAINE
JOINT SELECT COMMITTEE ON RESEARCH, ECONOMIC
DEVELOPMENT AND THE INNOVATION ECONOMY
AUGUSTA, MAINE 04333**

December 21, 2006

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable Glenn Cummings, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Order S.P. 847, the Joint Select Committee on Research, Economic Development and the Innovation Economy 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 Lynn Bromley, Senate Chair

S/Representative Emily Ann Cain, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 12

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
JANUARY 3, 2007**

To the President of the Senate in the One Hundred and Twenty-third Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for Governor at the General Election held on the seventh day of November in the year two thousand and six;

REPORT AS FOLLOWS; that John E. Baldacci, having received a plurality of the votes cast, appears to have been elected Governor of the State of Maine:

General Election – November 7, 2006
Governor

JOHN E. BALDACCI
DEMOCRAT

ANDROSCOGGIN	13,631	33.3%
AROOSTOOK	12,752	48.4%
CUMBERLAND	48,449	39.8%
FRANKLIN	4,613	32.0%
HANCOCK	10,138	40.3%
KENNEBEC	18,765	36.5%
KNOX	6,506	35.1%
LINCOLN	5,825	33.0%
OXFORD	8,281	34.0%
PENOBSCOT	24,015	40.9%
PISCATAQUIS	2,591	34.5%
SAGADAHOC	5,962	35.1%
SOMERSET	6,500	32.3%
WALDO	5,678	33.5%
WASHINGTON	3,897	29.3%
YORK	32,324	42.0%
TOTAL	209,927	38.1%

PATRICIA H. LAMARCHE
GREEN INDEPENDENT

ANDROSCOGGIN	3,914	9.6%
AROOSTOOK	2,404	9.1%
CUMBERLAND	13,082	10.8%
FRANKLIN	1,270	8.8%
HANCOCK	2,307	9.2%
KENNEBEC	5,482	10.7%
KNOX	1,808	9.8%
LINCOLN	1,679	9.5%
OXFORD	2,036	8.4%
PENOBSCOT	4,677	8.0%
PISCATAQUIS	559	7.5%
SAGADAHOC	1,775	10.5%
SOMERSET	2,084	10.3%
WALDO	1,680	9.9%
WASHINGTON	1,204	9.1%
YORK	6,729	8.8%
TOTAL	52,690	9.6%

BARBARA MERRILL
INDEPENDENT MAINE COURSE

ANDROSCOGGIN	9,805	24.0%
AROOSTOOK	3,803	14.4%
CUMBERLAND	27,613	22.7%
FRANKLIN	2,521	17.5%
HANCOCK	5,319	21.1%
KENNEBEC	10,748	20.9%
KNOX	5,056	27.3%

LINCOLN	4,537	25.7%
OXFORD	6,117	25.1%
PENOBSCOT	10,643	18.1%
PISCATAQUIS	1,476	19.7%
SAGADAHOC	4,316	25.4%
SOMERSET	4,025	20.0%
WALDO	4,143	24.5%
WASHINGTON	3,002	22.6%
YORK	15,591	20.3%
TOTAL	118,715	21.6%

PHILLIP MORRIS NAPIER
TAX EQUALITY REBELLION

ANDROSCOGGIN	204	0.5%
AROOSTOOK	184	0.7%
CUMBERLAND	668	0.5%
FRANKLIN	97	0.7%
HANCOCK	160	0.6%
KENNEBEC	251	0.5%
KNOX	140	0.8%
LINCOLN	96	0.5%
OXFORD	127	0.5%
PENOBSCOT	320	0.5%
PISCATAQUIS	47	0.6%
SAGADAHOC	86	0.5%
SOMERSET	139	0.7%
WALDO	108	0.6%
WASHINGTON	119	0.9%
YORK	362	0.5%
TOTAL	3,108	0.6%

CHANDLER E. WOODCOCK
REPUBLICAN

ANDROSCOGGIN	13,632	32.7%
AROOSTOOK	7,188	27.3%
CUMBERLAND	31,835	26.2%
FRANKLIN	5,920	41.1%
HANCOCK	7,231	28.7%
KENNEBEC	16,178	31.5%
KNOX	5,019	27.1%
LINCOLN	5,494	31.2%
OXFORD	7,771	31.9%
PENOBSCOT	19,100	32.5%
PISCATAQUIS	2,829	37.7%
SAGADAHOC	4,829	28.5%
SOMERSET	7,393	36.7%
WALDO	5,329	31.5%
WASHINGTON	5,057	38.1%
YORK	21,890	28.5%
TOTAL	166,425	30.2%

OTHER

ANDROSCOGGIN	0	0.0%
AROOSTOOK	0	0.0%
CUMBERLAND	0	0.0%
FRANKLIN	0	0.0%

HANCOCK	0	0.0%
KENNEBEC	0	0.0%
KNOX	0	0.0%
LINCOLN	0	0.0%
OXFORD	0	0.0%
PENOBSCOT	0	0.0%
PISCATAQUIS	0	0.0%
SAGadahoc	0	0.0%
SOMERSET	0	0.0%
WALDO	0	0.0%
WASHINGTON	0	0.0%
YORK	0	0.0%
TOTAL	0	0.0%

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for Governor at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/MATTHEW DUNLAP
Secretary of State

READ and **REFERRED** to the Committee on **GUBERNATORIAL VOTE**.

SENATE PAPERS

Bill "An Act To Clarify the Use and Purpose of Center Turn Lanes"

S.P. 17 L.D. 23

Sponsored by Senator SAVAGE of Knox.
Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

S.P. 22 L.D. 24

Sponsored by Senator SAVAGE of Knox.

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

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication: S.P. 26

STATE OF MAINE REPORT OF THE JOINT SELECT COMMITTEE ON GUBERNATORIAL VOTE AUGUSTA, MAINE 04333

January 3, 2007

The Honorable Beth Edmonds
President of the Senate
The Honorable Glenn Cummings
Speaker of the House
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

The Joint Select Committee of the One Hundred and Twenty-Third Legislature on returns of votes for Governor given in the several cities, towns and plantations of this State for the political years 2007, 2008, 2009 and 2010 has attended to its duty and asks leave to report that the tabulation of the return of votes cast for Governor at the General Election held on November 7, 2006 as reported by the Secretary of State Dunlap, is a true and accurate account.

Sincerely,

S/Senator Joseph Perry
Senate Chair

S/Representative Jacqueline R. Norton
House Chair

READ and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 15

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable John Elias Baldacci and inform him that he has been duly elected Governor of the State of Maine for the political years 2007, 2008, 2009 and 2010.

READ and **PASSED**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 18

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

January 3, 2007

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

Dear Secretary O'Brien:

In compliance with Joint Order (S.P. 15), I am pleased to appoint the following members to inform the Honorable John E. Baldacci that he has been duly elected Governor of the State of Maine for the political years 2007, 2008, 2009 and 2010:

Senator Joseph C. Perry of Penobscot, Chair
Senator Peter B. Bowman of York
Senator Debra D. Plowman of Penobscot

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative PINGREE of North Haven informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held at 6:30 this evening at the Augusta Civic Center for the purpose of administering to the Honorable John Elias Baldacci, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties and to receive such communication as he may be pleased to make.

Senate at Ease.

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PERRY**, the Senator from York, Senator **BOWMAN**, and the Senator from Penobscot, Senator **PLOWMAN** to deliver the message to Governor-elect Baldacci.

Subsequently, the Senator from Penobscot, Senator **PERRY** reported that the committee had delivered the message with which they were charged.

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

COMMUNICATIONS

The Following Communication: H.P. 17

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

December 13, 2006

Hon. Glenn Cummings
Speaker of the House
123rd Legislature

Hon. Beth Edmonds
President of the Senate
123rd Legislature

Dear Mr. Speaker and Madam President:

On December 13, 2006, 13 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 13, 2006, as follows:

Criminal Justice and Public Safety

Bill "An Act To Strengthen 'Permissible Inference' in the Law Concerning Dissemination of Sexually Explicit Material" (EMERGENCY) (H.P. 4) (L.D. 3) (Sponsored by Representative SYKES of Harrison) (Cosponsored by Representatives: CEBRA of Naples, GERZOFKY of Brunswick, McKANE of Newcastle, VAUGHAN of Durham)

Health and Human Services

Bill "An Act To Amend the Prescription Privacy Law" (H.P. 5) (L.D. 4) (Sponsored by Representative FAIRCLOTH of Bangor) (Cosponsored by Senator: MARRACHÉ of Kennebec)

Bill "An Act To Establish a Residency Requirement for MaineCare Recipients" (H.P. 13) (L.D. 12) (Sponsored by Representative BROWNE of Vassalboro) (Cosponsored by Senator COURTNEY of York and Representatives: BLANCHARD of Old Town, HOGAN of Old Orchard Beach, JACOBSEN of Waterboro, MAREAN of Hollis, MAZUREK of Rockland, MILLETT of Waterford, SYKES of Harrison, THOMAS of Ripley)

Inland Fisheries and Wildlife

Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents" (H.P. 12) (L.D. 11) (Sponsored by Representative HAMPER of Oxford) (Cosponsored by Senator HASTINGS of Oxford and Representatives: CEBRA of Naples, PRESCOTT of Topsham, ROBINSON of Raymond, SYKES of Harrison, THOMAS of Ripley)

Bill "An Act Imposing a Horsepower Restriction for Boat Motors on Muddy Pond" (H.P. 16) (L.D. 15) (Sponsored by Representative McKANE of Newcastle) (Cosponsored by Senator DOW of Lincoln)

Labor

Bill "An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System" (H.P. 6) (L.D. 5) (Sponsored by Representative CAMPBELL of Newfield) (Cosponsored by Senator MILLS of Somerset and Representatives: ADAMS of Portland, CRAVEN of Lewiston, CROSTHWAITE of Ellsworth, GERZOFISKY of Brunswick, MILLETT of Waterford, PINGREE of North Haven, TARDY of Newport, TREAT of Farmingdale)

Legal and Veterans Affairs

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee" (H.P. 11) (L.D. 10) (Sponsored by Representative WEDDELL of Frankfort)

Transportation

Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295 (H.P. 7) (L.D. 6) (Sponsored by Representative MARLEY of Portland)

Resolve, To Require the Department of Transportation To Accept a Traffic Light in Portland (H.P. 8) (L.D. 7) (Sponsored by Representative MARLEY of Portland)

Bill "An Act To Limit the Duration of a Legal Alien's Driver's License" (H.P. 9) (L.D. 8) (Sponsored by Representative CEBRA of Naples) (Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CLARK of Millinocket, HANLEY of Gardiner, LANSLEY of Sabattus, LEWIN of Eliot,

ROBINSON of Raymond, SYKES of Harrison, Senators: COURTNEY of York, HASTINGS of Oxford)

Bill "An Act To Continue the Axle Weight Law Changes beyond September 15, 2007" (H.P. 10) (L.D. 9) (Sponsored by Representative THOMAS of Ripley) (Cosponsored by Senator MARTIN of Aroostook and Representatives: AYOTTE of Caswell, BROWNE of Vassalboro, CLARK of Millinocket, JACKSON of Allagash, KNIGHT of Livermore Falls, PINKHAM of Lexington Township, THIBODEAU of Winterport, VAUGHAN of Durham)

Resolve, To Return Swanville Road in Frankfort to State Road Classification (H.P. 14) (L.D. 13) (Sponsored by Representative WEDDELL of Frankfort) (Cosponsored by Senator WESTON of Waldo and Representative: GILES of Belfast)

Resolve, To Direct the Department of Transportation To Better Ensure the Safety of Students Traveling to and from School in Waterboro (H.P. 15) (L.D. 14) (Sponsored by Representative JACOBSEN of Waterboro) (Cosponsored by Senator COURTNEY of York and Representatives: BROWNE of Vassalboro, CAMPBELL of Newfield, MARLEY of Portland, McLEOD of Lee, THOMAS of Ripley, Senator: NASS of York)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 23

STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333

December 20, 2006

Hon. Glenn Cummings
Speaker of the House
123rd Legislature

Hon. Beth Edmonds
President of the Senate
123rd Legislature

Dear Mr. Speaker and Madam President:

On December 20, 2006, 5 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 22, 2006, as follows:

Education and Cultural Affairs

Resolve, Prohibiting the Use of Carpeting in Schools (H.P. 22) (L.D. 20) (Sponsored by Representative BEAUDOIN of Biddeford)

Marine Resources

Bill "An Act To Make Lobster Trap Molesting a Civil Offense" (H.P. 18) (L.D. 16) (Sponsored by Representative MAZUREK of Rockland)

Transportation

Resolve, To Transfer the Cliff Island Wharf from the City of Portland to the Department of Transportation (H.P. 19) (L.D. 17) (Sponsored by Representative MARLEY of Portland)

Bill "An Act To Streamline Permitting for and Encourage the Business of Showing Vehicles" (H.P. 20) (L.D. 18) (Sponsored by Representative GERZOFKY of Brunswick) (Cosponsored by Representatives: BLANCHETTE of Bangor, BROWNE of Vassalboro, CAMPBELL of Newfield, MARLEY of Portland, RAND of Portland, RICHARDSON of Carmel, RINES of Wiscasset, SYKES of Harrison)

Resolve, To Reduce Traffic Congestion and Improve Safety on Interstate 295 (H.P. 21) (L.D. 19) (Sponsored by Representative MARLEY of Portland)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 26

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

December 28, 2006

Hon. Glenn Cummings
Speaker of the House
123rd Legislature

Hon. Beth Edmonds
President of the Senate
123rd Legislature

Dear Mr. Speaker and Madam President:

On December 28, 2006, 2 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 28, 2006, as follows:

Agriculture, Conservation and Forestry

Resolve, To Provide Access for Persons with Disabilities to Great Ponds (H.P. 24) (L.D. 21) (Sponsored by Representative PINEAU of Jay)

Health and Human Services

Bill "An Act To Require Health Care Practitioners To Distribute Free Samples of Medication in Certain Circumstances" (H.P. 25) (L.D. 22) (Sponsored by Representative BEAUDOIN of Biddeford)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 23

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 3, 2007

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

Dear Secretary O'Brien:

Pursuant to Joint Order S.P. 14, the Speaker appointed the following Representatives to the Joint Select Committee on the Gubernatorial Vote on the part of the House:

Representative NORTON of Bangor
Representative FINCH of Fairfield
Representative MAKAS of Lewiston
Representative FARRINGTON of Gorham
Representative HARLOW of Portland
Representative SUTHERLAND of Chapman
Representative EDGECOMB of Caribou
Representative McFADDEN of Dennysville
Representative MUSE of Fryeburg
Representative STRANG BURGESS of Cumberland

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: H.C. 24

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 3, 2007

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

Dear Secretary O'Brien:

Pursuant to Joint Order S.P. 15, the Speaker appointed the following Representatives to the Committee to wait upon the Honorable JOHN ELIAS BALDACCI, and inform him he had been duly elected Governor of the State of Maine for the political years 2007, 2008, 2009 and 2010, on the part of the House:

Representative PATRICK of Rumford
Representative BLANCHETTE of Bangor
Representative CANAVAN of Waterville
Representative ANNIS of Dover-Foxcroft
Representative CRESSEY of Cornish
Representative DUPREY of Hampden
Representative AUSTIN of Gray

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The President appointed the Senator from Aroostook, Senator **MARTIN**, to serve as President Pro Tem for this evening's reconvening.

Senator **BROMLEY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

RECESSED until 6:00 this evening to the Augusta Civic Center.

At this point, the Senate retired to the Augusta Civic Center, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Thursday, January 4, 2007, at 10:00 in the morning.