

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

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

In Senate Chamber
Tuesday
January 16, 2007

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

Prayer by Senator Christine R. Savage of Knox County.

SENATOR SAVAGE: Good morning. Will you please join me in prayer. Heavenly Father, we thank You for the blessings You have given us, but even with these blessings there comes concerns that we face. Sometimes the issues we face seem overwhelming, but with Your guidance we are here, prepared to do what is right and just for Your people. Bless and protect each of these members and their families. Father, we especially ask You to watch over our military who are serving around the world, protecting our freedoms. We ask all this in Your name. Amen.

Pledge of Allegiance led by Senator Elizabeth M. Schneider of
Penobscot County.

Doctor of the day, Jo Linder, MD of Falmouth.

Reading of the Journal of Tuesday, January 9, 2007.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 62

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, January 23, 2007 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 28

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

January 9, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd 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 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Honorable John G. Richardson of Brunswick, for appointment as the Commissioner of the Department of Economic and Community Development.

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	3	Bromley of Cumberland, Schneider of Penobscot, Courtney of York,
	Representatives	9	Smith of Monmouth, Austin of Gray, Beaudette of Biddeford, Beaulieu of Auburn, Cleary of Houlton, Prescott of Topsham, Rector of Thomaston, Samson of Auburn, Silsby of Augusta

NAYS 0

ABSENT 1 Rep. MacDonald of Boothbay

Twelve 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 Honorable John G. Richardson of Brunswick, for appointment as the Commissioner of Department of Economic and Community Development be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **BROMLEY**: Thank you, Madame President and colleagues in the Senate. Before you get to vote no, which means yes, on this nomination I want to put a few remarks on the record about the nominee and also about what is asked of the nominee.

John G. Richardson, the nominee for the Commissioner of the Department of Economic and Community Development, is particularly and uniquely qualified for this position. He possesses probably the singular most important quality for this position, one that actually is all too rare. The committee recognized it immediately, embraced it unanimously, and that is the belief that the best years of Maine's economy are ahead of us. I say that, and I'm going to say that again because it's so important, this nominee and many members of us in this Chamber believe that the best years of Maine's economy are ahead of us. That qualifies him, puts him head and shoulders above many who would seek this position.

In addition to that, the committee heard about a belief and an interest in doing more of what works and less of what doesn't. That is a unique approach to work and we are going to appreciate that. As our economy is flux, the nominee himself has recreated himself more than a couple of times. An accountant at first; a lawyer; politician; representative of the people of his community; Chair of the Business, Research and Economic Development Committee; Presiding Officer in the other Body; and now the soon to be Commissioner of Economic and Community Development. The committee appreciates the breadth of knowledge, the experience, and particularly the high regard the nominee hold for the legislature. He's known for his skill in negotiating, not an unimportant skill in all we have before us.

Briefly, the task before him is to help lead us, the legislature and the people of Maine, in a path towards economic development and a robust economy. It's a tough job. We all have part and parcel of that job and he has the full support, the unanimous support, of the committee. I'm sure you are going to join me in voting no to overturn the unanimous recommendation of the committee. Thank you, Madame President and colleagues.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you, Madame President, men and women of the Senate. I would like to concur with our Chair and I'd just like to maybe go on the record just to let people know the respect that I've gained for the Speaker and the way that he raised the tone and the conduct of this legislature. I, for one, appreciated that. I believe that he's going to be able to take this new position and build it and merge the departments in a non-partisan basis so we, and all the people of Maine, can benefit. I'm looking forward to working with him in that endeavor. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#8)

YEAS: Senator: DIAMOND

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

ABSENT: Senator: PERRY

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **John G. Richardson** of Brunswick, for appointment as the Commissioner of Department of Economic and Community Development was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 27

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

January 4, 2007

Honorable Joy 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 am pleased to appoint Senator Jonathan T.E. Courtney of York to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Clarify the Requirements for Temporary Licensure of Psychologists"

S.P. 59 L.D. 177

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative SMITH of Monmouth and
Representatives: AUSTIN of Gray, SILSBY of Augusta.

Bill "An Act To Establish a 'Do Not Fax' List"

S.P. 79 L.D. 242

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Senators: HOBBS of York, BARTLETT of
Cumberland, SMITH of Piscataquis, Representatives:
FLETCHER of Winslow, FAIRCLOTH of Bangor.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to
the Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing Cases Involving the
Plea or Finding of Not Criminally Responsible by Reason of
Insanity"

S.P. 65 L.D. 182

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representatives: BARSTOW of Gorham,
FARRINGTON of Gorham.

Bill "An Act To Require Maine To Submit DNA Samples of Sex
Offenders to the National DNA Registry"

S.P. 76 L.D. 238

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: SHERMAN of Aroostook, HASTINGS
of Oxford, COURTNEY of York, Representative: DUPREY of
Hampden.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to
the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect Children's Health on School Grounds"
S.P. 67 L.D. 184

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative CAIN of Orono and Senator:
MARRACHÉ of Kennebec, Representatives: LANSLEY of
Sabattus, FAIRCLOTH of Bangor, STRANG BURGESS of
Cumberland, PINGREE of North Haven.

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

Sent down for concurrence.

Bill "An Act To Fund Youth Conservation Education"
S.P. 57 L.D. 175

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative McLEOD of Lee and Senators:
HASTINGS of Oxford, BRYANT of Oxford, GOOLEY of Franklin,
Representatives: JACKSON of Allagash, WHEELER of Kittery,
RICHARDSON of Carmel, SOCTOMAH of the Passamaquoddy
Tribe, LUNDEEN of Mars Hill.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the
Committee on **INLAND FISHERIES AND WILDLIFE** and ordered
printed.

Sent down for concurrence.

Bill "An Act To Protect Consumers in the Home Appraisal
Process"

S.P. 66 L.D. 183

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representatives: BARSTOW of Gorham,
FARRINGTON of Gorham.

Bill "An Act To Modify the Laws Regarding Garnishment of
Wages"

S.P. 69 L.D. 231

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative PINEAU of Jay and
Representatives: FITTS of Pittsfield, HANLEY of Gardiner, FINCH
of Fairfield, MOORE of Standish, PATRICK of Rumford.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Concerning the Assessment of
Rates for Workers' Compensation"

S.P. 72 L.D. 234

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: NASS of York, ROSEN of Hancock,
HASTINGS of Oxford, STRIMLING of Cumberland.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding the Reporting of Sexual Abuse"
S.P. 60 L.D. 178

Sponsored by Senator **STRIMLING** of Cumberland.
Cosponsored by Senator: **DIAMOND** of Cumberland.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Funds for Voice-activated Telephones"
S.P. 71 L.D. 233

Sponsored by Senator **ROSEN** of Hancock.
Cosponsored by Senators: **PLOWMAN** of Penobscot, **SMITH** of Piscataquis, **COURTNEY** of York, Representative: **CAMPBELL** of Newfield.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed.
Sent down for concurrence.

Bill "An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales"
S.P. 54 L.D. 143

Sponsored by Senator **BROMLEY** of Cumberland.

On motion by Senator **MARRACHE** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish November as Lung Cancer Awareness Month"
S.P. 80 L.D. 243

Sponsored by Senator **MITCHELL** of Kennebec.
Cosponsored by Senators: **MARRACHÉ** of Kennebec, **MARTIN** of Aroostook, Representatives: **PERRY** of Calais, **GROSE** of Woolwich, **WALKER** of Lincolnville.

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

Sent down for concurrence.

Bill "An Act To Provide Notice to the General Public about Proposed Initiative Questions" (EMERGENCY)
S.P. 58 L.D. 176

Sponsored by Senator **STRIMLING** of Cumberland.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Support Maine's Free Clinics"
S.P. 55 L.D. 144

Sponsored by Senator **SULLIVAN** of York.
Cosponsored by Senators: **STRIMLING** of Cumberland, President **EDMONDS** of Cumberland, Representatives: **GERZOSKY** of Brunswick, **BEAUDETTE** of Biddeford, **GROSE** of Woolwich, **CASAVANT** of Biddeford.

Bill "An Act To Increase the County Share of the Real Estate Transfer Tax"
S.P. 56 L.D. 174

Sponsored by Senator **RAYE** of Washington.
Cosponsored by Representative **BLANCHARD** of Old Town and Senators: **DAMON** of Hancock, **SCHNEIDER** of Penobscot, **BENOIT** of Sagadahoc, **PERRY** of Penobscot, **NASS** of York, Representatives: **KNIGHT** of Livermore Falls, **JOY** of Crystal, **SCHATZ** of Blue Hill.

Bill "An Act To Make Changes to the Maine Residents Property Tax Program"
S.P. 61 L.D. 179

Sponsored by Senator **SULLIVAN** of York.
Cosponsored by Representative **PINGREE** of North Haven and Senators: **STRIMLING** of Cumberland, **BRYANT** of Oxford, **PERRY** of Penobscot, **MARTIN** of Aroostook, Representatives: **WOODBURY** of Yarmouth, **CHASE** of Wells, **PIOTTI** of Unity.

Bill "An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty"
S.P. 74 L.D. 236

Sponsored by Senator **PLOWMAN** of Penobscot.
Cosponsored by Representative **DUPREY** of Hampden and Senator: **COURTNEY** of York, Representatives: **KNIGHT** of Livermore Falls, **CHASE** of Wells, **TARDY** of Newport, **PATRICK** of Rumford.

Bill "An Act To Amend the Maine Tree Growth Tax Law"
S.P. 75 L.D. 237

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Representative CLARK of Millinocket and
Senators: ROSEN of Hancock, BRYANT of Oxford,
Representatives: JACKSON of Allagash, THOMAS of Ripley,
PATRICK of Rumford.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide for a Change in Gender Designation on a
Driver's License"

S.P. 63 L.D. 180

Sponsored by Senator DOW of Lincoln. (BY REQUEST)

Resolve, To Reduce the Cost of Moving Modular Homes and
Increase Traffic Safety

S.P. 64 L.D. 181

Sponsored by Senator HASTINGS of Oxford.
Cosponsored by Representative HAMPER of Oxford and
Senators: HOBBS of York, PLOWMAN of Penobscot, DOW of
Lincoln, Representatives: MILLETT of Waterford, ROBINSON of
Raymond.

Resolve, To Direct the Department of Transportation to Establish
the Elton R. Brooks Memorial Rest Area and Boat Launching
Facility

S.P. 70 L.D. 232

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative PERRY of Calais.

Bill "An Act To Allow a Person To Be Issued More than One Set
of Disabled Veteran Registration Plates"

S.P. 73 L.D. 235

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Representatives: DUPREY of Hampden,
THOMAS of Ripley.

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

Sent down for concurrence.

Bill "An Act To Allow the Secretary of State To Issue a Work-
restricted License to First-time License Holders Not Yet 21 Years
of Age with Less than 2 Years of Driving Time"

S.P. 78 L.D. 241

Sponsored by Senator SULLIVAN of York.
Cosponsored by Senator SCHNEIDER of Penobscot and
Senator: DAMON of Hancock, Representatives: MARLEY of
Portland, FISHER of Brewer, THOMAS of Ripley.

Committee on **TRANSPORTATION** suggested and ordered
printed.

On motion by Senator **DAMON** of Hancock, **TABLED 1**
Legislative Day, pending **REFERENCE**.

Bill "An Act To Clarify the Scope of Conservation Programs with
Respect to Electricity Use"

S.P. 68 L.D. 230

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative BLISS of South Portland and
Senators: HOBBS of York, BROMLEY of Cumberland,
MARRACHÉ of Kennebec, Representatives: HINCK of Portland,
EBERLE of South Portland.
Submitted by the Office of the Public Advocate pursuant to Joint
Rule 204.

Bill "An Act To Establish a Discounted Cable Rate for Senior
Citizens and Assisted Living Facilities"

S.P. 77 L.D. 240

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CROCKETT of Augusta and
Senators: BARTLETT of Cumberland, DOW of Lincoln,
Representatives: BLISS of South Portland, BLANCHARD of Old
Town, GERZOFKY of Brunswick, MAZUREK of Rockland,
HOGAN of Old Orchard Beach.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed.

Sent down for concurrence.

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

ORDERS

Senate Order

On motion by Senator **MILLS** of Somerset, the following Senate
Order:

S.O. 11

ORDERED, that the Senate Rules be amended by adding a new
Senate Rule 524 to read:

Rule 524. Legislation that exceeds spending limitations. Any
legislation that exceeds the spending limitations established

under the Maine Revised Statutes, Title 5, section 1534 must be proposed in a separate measure that addresses the excess amount solely and that may be enacted only by a 2/3 vote of the elected members of the Senate.

This rule expires December 2, 2008.

READ.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **SENATE RULES**.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Morrill Worcester, of Columbia Falls, for his longtime dedication to America's fallen soldiers and departed veterans. Mr. Worcester and his business Worcester Wreath Company have for 15 years donated Maine balsam fir wreaths for the gravestones at Arlington National Cemetery. During that time, 5,000 wreaths were donated. This year the program expanded, and Wreaths Across America placed nearly 8,000 wreaths in 230 veterans' cemeteries and monuments in all 50 states and Puerto Rico. Mr. Worcester's contingent of volunteers grew this year to 800 people from Maine Civil Air Patrol Units, local VFW and American Legion Posts, military units, congressional staffers, school children, scout troops and others to honor America's veterans. Mr. Worcester has shown an extraordinary commitment to honoring the memory of the brave men and women who served this nation so valiantly in the defense of freedom. His efforts have become an inspiration to people across America and reflect positively on the State. We join in recognizing Mr. Worcester and thank him for his commitment and dedication to our nation's veterans;

SLS 17

Sponsored by Senator **RAYE** of Washington.
Cosponsored by Representatives: **TIBBETTS** of Columbia,
McDONOUGH of Scarborough.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. It is my pleasure to rise this morning to recognize an extraordinary Maine citizen, Mr. Morrill Worcester of Harrington. Each Christmas for 15 years Mr. Worcester has worked hard to honor American's fallen soldiers and departed veterans by traveling to Arlington, Virginia and, with the help of hundreds of volunteers, decorating the graves of 5,000 veterans at Arlington National Cemetery with Maine balsam wreathes. That's 5,000 graves each and every year. He's done it with a minimum of recognition all these years until finally this year the press here in Maine and across the country keyed in on the remarkable devotion and expression of patriotism and appreciation for our veterans shown by Mr. Worcester. This past Christmas the program expanded and Wreathes Across America placed nearly 8,000 wreathes on graves in 230 veteran's cemeteries and monuments in all 50 states and Puerto Rico.

That happened because of the singular devotion of Morrill Worcester, who has inspired hundreds of volunteers across this country, including Jimmy and Hope Prout of Bluebird Trucking who have donated the services of their trucking company for 15 years to get these wreathes down to Washington D.C., including the Maine Civil Air Patrol units, local VFW and American Legion Posts, military units, Congressional staffers, school children, Scout troops, and others across this nation to honor America's veterans. It is entire appropriate that we pause today to recognize and express our heartfelt appreciation to Mr. Worcester for his selfless generosity and his hard work in memory and in tribute to the brave men and women who have served this nation. I am delighted that Morrill and his wife, Karen, are here in the Chamber today and it is my pleasure to present them with the Sentiment.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I, too, want to rise to lend my thanks to Morrill Worcester and his wife, Karen. I had the great opportunity this past December to be a small part of the effort that they have put forth with regards to the wreathes and recognizing the veterans of this country who have given their final expression. As we left the facility in Harrington with the truck jammed packed full of wreathes bound for Arlington Cemetery in Washington and all of the fire trucks and the apparatus from the little town of Harrington were leading the way to be replaced by the fire facilities and the apparatus from the little town of Milbridge, then later Steuben, then Gouldsboro, and later Ellsworth. Each and every mile of the way there were people standing on the side of the road, thanking in silent tribute, with their waves or standing with their flags, thanking Morrill and his wife, Karen, for this truly great expression. These thanks continued all the way on their trip from Harrington, Maine to Arlington Cemetery in Virginia. It is an extraordinary devotion and extraordinary sentiment that the Worcesters do with regards to these wreathes, but that is only a very small part of what they do for their community of Harrington, their community of Columbia Falls, their community of Downeast Maine, of Washington County, and their community of all the greater Maine. In addition to doing as we are recognizing with them today, they also have taken in children, children who have not been able to be provided with the family setting that all children should be able to be provided with and they have given of their means, of their time, and of their love to help make this world a better place, child by child and wreath by wreath. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. By coincidence, I was in Washington the day that the wreathes were placed at Arlington. The next morning when I returned to Maine on a flight into Portland half the plane was full with individuals who had paid their own way to help place the wreathes at Arlington. I had bought the Washington Post and the New York Times and on the front page of both of them were the pictures of the laying of the wreathes. The newspapers went up and down the aisles as I passed it on to them. They were really amazed by the fact that they had gotten as much publicity which,

in my opinion, was so well deserved. It was really was interesting to see how rewarding, I think, it was for them to participate in the laying of the wreathes and they could only have done that because of the Worcesters' generosity. Clearly, I also want to thank them and thank the good Senator from Washington, Senator Raye, for having presented the order today.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. I want to add my thanks to the Worcesters. I'm honored to be able to do it. No, I wasn't in Washington and I'm not from the county that the Senator from Washington, Senator Raye, represents, but I do teach our Maine public school children in a 7th grade class in Southern Maine. They were honored, as we take up current events and things that make a difference, the good things that happen. Quite frankly, this was one of the discussions; how could a company afford to do this? My 7th graders had a wonderful discussion as to things that money can't buy. It was a great learning opportunity. I believe that it touches more than just our veterans, it has touched everybody. That 7th grade class in Southern Maine is very aware that a company put money above honor. It was a wonderful experience and I do thank the Senator and the Worcesters. They deserve every bit of recognition and our heartfelt thanks.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Morrill Worcester and his wife, Karen. Would they please rise and receive the greetings of the Maine Senate.

Coach Jim Bessey, of Farmington, coach of the Mt. Blue High School boys basketball team, on the 400th win of his career. According to the Maine Association of Basketball Coaches, Coach Bessey is one of only six boys high school basketball coaches to reach this milestone. His first win was in 1975 and, over the last 30 years, Coach Bessey has worked with hundreds of basketball players at Mt. Blue High School and Madison Area Memorial High School. We congratulate Coach Bessey on his outstanding achievement and send our best wishes for his continued success;

SLS 16

Sponsored by Senator GOOLEY of Franklin.
Cosponsored by Representatives: SAVIELLO of Wilton, MILLS of Farmington, PATRICK of Rumford, PINEAU of Jay, HOLMAN of Fayette.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President and men and women of the Senate. It is a pleasure for me to stand before you this morning and to pay tribute to one of Maine's famous high

school basketball coaches, Jim Bessey of Farmington. He and the boys just recently won their 400th game. Coach Bessey's been coaching basketball for well over 30 years. At this time it's important for us to recognize his input to coaching basketball and what he has done for the social fabric of Western Maine because, for the youth of the state of Maine, it's important to have people like Jim Bessey around to help us raise our children to become citizens of tomorrow. I should also add that at one point in time we tried to get Jim to run for office and he declined. We'll just have to keep trying, I guess. We congratulate Jim Bessey on his 400th win. Thank you very much.

PASSED.

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

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.

The Chair laid before the Senate the following Tabled and Later (1/09/07) Assigned matter:

Bill "An Act To Allow the Recovery of Reasonable Attorney's Fees"

H.P. 116 L.D. 124

Tabled - January 9, 2007, by Senator **STRIMLING** of Cumberland

Pending - **REFERENCE**

(In House, January 9, 2007, **REFERRED** to the Committee on **LABOR** and ordered printed.)

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allocate a Portion of the Land for Maine's Future Fund for the Purchase of Archeological Sites"

H.P. 127 L.D. 145

Bill "An Act To Prohibit Certain Uses of Monosodium Glutamate"
H.P. 156 L.D. 185

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding to the St. Francis Water District for New Wells"

H.P. 157 L.D. 186

Bill "An Act To Increase Access to Child Care and Early Education for Maine's Working Families"

H.P. 158 L.D. 187

Bill "An Act To Invest in an Allied Health Center at Northern Maine Community College"

H.P. 160 L.D. 189

Bill "An Act To Fund Business Attraction Efforts"

H.P. 161 L.D. 190

Bill "An Act To Establish More Probation Officer Positions in the Department of Corrections for Better Oversight of Sex Offenders"

H.P. 165 L.D. 194

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007" (EMERGENCY)

H.P. 186 L.D. 215

Bill "An Act To Authorize a General Fund Bond Issue To Encourage Municipal High-speed Internet Access"
H.P. 189 L.D. 218

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Enhance Self-defense"

H.P. 128 L.D. 146

Bill "An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer"

H.P. 129 L.D. 147

Bill "An Act To Provide Fairness in Concealed Weapon Reciprocity Agreements"

H.P. 130 L.D. 148

Bill "An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault"

H.P. 131 L.D. 149

Bill "An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age"

H.P. 162 L.D. 191

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry

H.P. 163 L.D. 192

Bill "An Act To Restrict Access to Certain Websites by Sex Offenders"

H.P. 164 L.D. 193

Bill "An Act To Promote the Safety of Children"

H.P. 166 L.D. 195

Bill "An Act To Use Forfeited Bail Money for the Victims of an Offender"

H.P. 190 L.D. 219

Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault"

H.P. 191 L.D. 220

Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

H.P. 201 L.D. 239

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority"

H.P. 132 L.D. 150

Bill "An Act To Include Student Representation on the State Board of Education"

H.P. 133 L.D. 151

Bill "An Act To Modify the Maine Learning Results System"

H.P. 167 L.D. 196

Bill "An Act To Ensure the Integrity of School Crisis Response Plans"

H.P. 193 L.D. 222

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

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

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

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To End Fraud in Maine's Welfare Benefit Programs"
H.P. 150 L.D. 168

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Restrict the Use of Personal Watercraft on Crescent Lake and Tenney River in Raymond"
H.P. 134 L.D. 152

Bill "An Act To Improve the Control and Prevention of Invasive Plant Infestations"

H.P. 135 L.D. 153

Bill "An Act To Require the Department of Inland Fisheries and Wildlife To Track All Stocking and Transfers of Fish"
H.P. 144 L.D. 162

Bill "An Act To Prohibit the Use of Nonnative Baitfish"
H.P. 145 L.D. 163

Bill "An Act To Require the Department of Inland Fisheries and Wildlife To Fin-clip All Stocked Fish"
H.P. 146 L.D. 164

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Designate the Arctic Charr as a State Heritage Fish"

H.P. 147 L.D. 165

Bill "An Act To Require the Standardization of Fishing Rules"

H.P. 148 L.D. 166

Bill "An Act To Allow Military Personnel Stationed in Maine To Register All-terrain Vehicles As Residents"

H.P. 149 L.D. 167

Bill "An Act To Prevent the Domestication of Wild Turkey and Deer"

H.P. 168 L.D. 197

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Place Land in Township 21 in Trust"

H.P. 151 L.D. 169

Bill "An Act To Increase the Value of an Estate Collectible by Affidavit in Probate Law to \$20,000"

H.P. 169 L.D. 198

Bill "An Act To Improve the Lien Process"

H.P. 170 L.D. 199

Bill "An Act To Provide Additional Background Information to the Probate Court"

H.P. 171 L.D. 200

Bill "An Act To Amend the Maine Tort Claims Act"

H.P. 194 L.D. 223

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits"

H.P. 137 L.D. 155

Bill "An Act To Increase the State's Share of Retired Teachers' Health Insurance"

H.P. 172 L.D. 201

Bill "An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers"

H.P. 195 L.D. 224

Bill "An Act To Provide Flexibility in Health Insurance for Spouses under the State Employee Health Insurance Plan"

H.P. 196 L.D. 225

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Concerning Student Voter Registration"

H.P. 174 L.D. 203

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **MARRACHE** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require All Holders of Mahogany Quahog Licenses To Operate Their Own Vessels When Fishing for Quahogs"

H.P. 138 L.D. 156

Bill "An Act To Permit the Landing of Lobsters Harvested by Methods other than Conventional Traps" (EMERGENCY)

H.P. 152 L.D. 170

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Requiring the Municipal Clerk To Inspect Municipal Election Ballots"

H.P. 173 L.D. 202

Resolve, To Combine Payroll and Human Resources for All State Agencies into One Central Agency

H.P. 175 L.D. 204

Bill "An Act To Require Regulatory Impact Estimates on Private Property"

H.P. 176 L.D. 205

Bill "An Act Regarding Penalties for Payments Made to the State That Are Rejected by a Financial Institution"

H.P. 188 L.D. 217

Bill "An Act To Enhance the Concept of Representative Democracy by Ensuring Basic Compensation for Elected Representatives"

H.P. 197 L.D. 226

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax

H.P. 139 L.D. 157

Bill "An Act To Allow a Local Option Sales Tax"

H.P. 140 L.D. 158

Bill "An Act To Establish a Voluntary Tax Account"

H.P. 153 L.D. 171

Bill "An Act To Increase the Property Tax Exemption for Veterans"

H.P. 154 L.D. 172

Bill "An Act To Provide an Inflation Adjustment to the Income Tax Exemption for Private, Public and Military Pensions"

H.P. 177 L.D. 206

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce the Meals and Lodging Tax"

H.P. 178 L.D. 207

Bill "An Act To Eliminate Tax Increment Financing for Retail Businesses"

H.P. 179 L.D. 208

Bill "An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases"

H.P. 198 L.D. 227

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dedicate a Portion of Vehicle Registration Fees To Fund Veterans' Cemeteries

H.P. 141 L.D. 159

Bill "An Act To Provide Safe All-terrain Vehicle Access on Public Ways"

H.P. 142 L.D. 160

Bill "An Act To Prohibit the Use of Cellular Telephones by Minors while Driving"

H.P. 143 L.D. 161

Bill "An Act To Allow a Newspaper Carrier To Use Flashing Amber Lights on That Carrier's Vehicle"

H.P. 155 L.D. 173

Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License"

H.P. 180 L.D. 209

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to the Use of Dealer Plates"

H.P. 181 L.D. 210

Bill "An Act To Allow a Truck Driver To Haul a Trailer on a Highway If That Driver Has a Point-to-point Permit"

H.P. 182 L.D. 211

Bill "An Act Regarding Penalties for Logbook Violations"

H.P. 183 L.D. 212

Bill "An Act To Establish an Airport Managers Training Program"

H.P. 184 L.D. 213

Bill "An Act To Establish a Special Veterans License Plate for Motorcycles"

H.P. 199 L.D. 228

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Facilitate the Establishment of Tribal Electric Utility Districts"

H.P. 200 L.D. 229

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Intergovernmental Advisory Commission**

The **Intergovernmental Advisory Commission**, pursuant to the Maine Revised Statutes, Title 30-A, section 2181, subsection 4, paragraph F asked leave to report that the accompanying Resolve, To Improve the Professional Development of County Officials

H.P. 126 L.D. 142

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

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Intergovernmental Advisory Commission**

The **Intergovernmental Advisory Commission**, pursuant to the Maine Revised Statutes, Title 30-A, section 2181, subsection 4, paragraph F asked leave to report that the accompanying Bill "An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government"

H.P. 185 L.D. 214

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish a Financial Literacy Program"
H.P. 187 L.D. 216

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Senator **ROTUNDO** of Androscoggin moved to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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

House Paper

Bill "An Act To Authorize a General Fund Bond Issue for Public Transportation in Rural Areas"

H.P. 159 L.D. 188

Committee on **TRANSPORTATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Authorize a General Fund Bond Issue for Maine's Roads and Bridges"

H.P. 58 L.D. 60

Committee on **TRANSPORTATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide Reinstatement of Group Life Insurance for Public Employees Returning from Unpaid Military Leave"

H.P. 136 L.D. 154

Committee on **LABOR** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require Notification when a Vehicle Is Towed"
H.P. 87 L.D. 95

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION**.

On motion by Senator **BROMLEY** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Deny Family Status to Fetuses
H.P. 47 L.D. 49

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Require Notification when a Vehicle Is Towed"
H.P. 87 L.D. 95

Tabled - January 16, 2007, by Senator **BROMLEY** of Cumberland

Pending - **REFERENCE**

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

(In House, January 9, 2007, **REFERRED** to the Committee on **TRANSPORTATION**.)

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 5:00 in the afternoon.

After Recess

Senate called to order by the President.

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

ORDERS

Senate Order

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

S.O. 12

ORDERED, that the Senate Committee on Rules is created. The committee consists of 5 members of the Senate, appointed by the President of the Senate.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I think I can explain it. All that the order does is to create the Senate Rules Committee, which you may recall I made a motion to refer something to this morning. This creates a Senate committee, to appointed by the Senate President, of 5 members, which is the traditional way of doing it. That's all the order does.

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 202

JOINT RESOLUTION EXPRESSING THE INTENT OF THE LEGISLATURE TO ENSURE RESPONSIBLE GOVERNMENTAL EXPENDITURES

WHEREAS, the Members of the One Hundred and Twenty-second Maine Legislature enacted limitations to ensure responsible and sensible governmental expenditures; and

WHEREAS, the people of the State of Maine have placed their trust in elected officials; and

WHEREAS, we, the Members of the One Hundred and Twenty-third Maine Legislature, honor the solemn trust the people of the State of Maine have bestowed upon us; and

WHEREAS, the Attorney General of Maine has opined that a joint rules change requiring a 2/3 majority to override the spending limitations would likely be found unconstitutional, if reviewed by the Maine Supreme Judicial Court; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, reaffirm our commitment to remain under the spending cap on governmental expenditures as enacted by the One Hundred and Twenty-second Maine Legislature; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John Elias Baldacci, Governor of the State of Maine.

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President and members of the Senate. We are about to take action on a Joint Resolution. As we look ahead, we see another item to follow. We have been through an exchange and a conversation these last few days and weeks as to a mechanism that we all could agree upon that would allow us to place in the Joint Rules of this session, the session of the 123rd, a mechanism that would make a statement to the public and would make a clear policy imposed upon ourselves. There

was a unanimous agreement from all the members of the Joint Rules Committee on a particular approach. That came to this Chamber and this Chamber agreed with a unanimous vote, once again, to send that amendment to our Joint Rules to the other Chamber. We are now presented with a version from the other end of the hall that refers to an opinion from the Attorney General and that we are being asked by the other end of the hall to concur, based upon a letter coming back from our Attorney General. I will be supporting the proposal that is in front of us, but it is an interesting, and I think unfortunate, set of circumstances that we have watched a unanimous agreement from the Joint Rules Committee, a unanimous posture from this Chamber, about to be reversed and replaced by another position because we are told that a potential opinion from one of our Constitutional Officers is directing us to do it in this particular fashion. I think it does not really address the spirit and the desire that we were all trying to achieve here. It is something, but much less than what we had.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I agree with most of the comments of the good Senator from Hancock, Senator Rosen. It is and was something that we did in the Rules Committee, really trying to reach consensus. We thought we had it, but until the members of the legislature and the people of Maine abolish one Body and create a unicameral legislature we will always be stuck with a bicameral system. I wanted you to know that I actually, in my past, has sponsored legislation which created a unicameral, which passed the Maine House but died in this Body. I'm as frustrated as you are because we thought we had something. I can only say that between the good Senator, actually all 5 of us, on the Rules Committee, we have devoted, I want to say, 24 hours to this issue trying to get to where we thought we were. Unfortunately, that did not happen. As much as I hate to, I guess at this point we have no ability to do anything different. I believe, however, that it sets the spirit of what it is we wanted. It clearly does that and it clearly says that it is our desire, our intent, and our commitment to accomplish that goal. I guess it's different in the sense that it's not an order, maybe it's a pledge to each other and to all of us that what we are committed to is to do what we said we would do. For that, I guess, I'm happy that at least we are getting that.

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

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

Senator **TURNER:** Thank you, Madame President and ladies and gentlemen of the Senate. I'm not an attorney. What I know about the Constitution is from my own reading and interpretation. I think that thing that troubles me most about this is that I believe strongly that we are co-equal branch of government, that the legislature can operate on a rule that it decides. I don't think it's the purview of the courts, quite frankly. I don't agree with the opinion rendered by the Attorney General in this matter for those in the other Body. I'm trying to figure out how to deal with the spirit that the Senator from Aroostook, Senator Martin, refers to

and at the same time have distaste for what we have seen proceed here. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is Adoption. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#9)

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

NAYS: Senators: None

ABSENT: Senators: BROMLEY, BRYANT, PERRY

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being absent, **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Joint Order, To Amend Joint Rule 219 To Require a 2/3 Vote if Certain Spending Limits Exceeded

S.P. 10

In Senate, January 9, 2007, on motion by Senator **MARTIN** of Aroostook, **READ** and **PASSED**.

Comes from the House, **READ** and Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **MARTIN** of Aroostook moved the Senate **INSIST**.

At the request of Senator **BARTLETT** of Cumberland a Division was had. 31 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **INSIST**, **PREVAILED**.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Provide Notice to the General Public about Proposed Initiative Questions" (EMERGENCY)
S.P. 58 L.D. 176

Tabled - January 16, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.)

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 23, 2007, at 10:00 in the morning, in memory of and lasting tribute to Mike Landry of Saco.