

# 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  
Thursday  
January 25, 2007

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

Prayer by Reverend Douglas Drown, of the First Congregational Church in Bingham.

**REVEREND DROWN:** Good morning. There is a story about a man who was walking on the beach in California one day when off in the distance ahead of him he could see a boy flinging things into the water. Repeatedly the boy would walk a few steps, scooch down, pick up something, and throw it into the tide. The man got curious and, as he drew closer, he could see what the boy was up to. The lad was picking up starfish that had gotten beached and one by one he was throwing them back into the water. The man, seeing the obvious futility of this, finally approached the boy and said, 'I've been watching what you've been doing. It's a nice thing to do, but look at all the hundreds of starfish there are out there. You can't possibly make a difference,' at which point the boy looked down, picked up yet another starfish, flung it into the ocean, and said, 'I made a difference for that one.'

Let us pray together. As this Body comes together this morning in deliberation and action, oh God, make its members mindful of the difference each can make in the life of even one person through what is done here. Make all of us aware that what we say and do has consequences in the lives of others. Grant that Your realm, that kingdom of love and justice, may come through the words we speak and the lives we live. In Your name we ask it. Amen.

Reading of the Journal of Tuesday, January 23, 2007.

Doctor of the day, Lisa Ryan, DO of Naples.

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. 109

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 30, 2007, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Establish a 'Do Not Fax' List"  
S.P. 79 L.D. 242

In Senate, January 16, 2007, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

On motion by Senator **BROMLEY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Revise the Definition of Service Dog"  
H.P. 233 L.D. 289

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Retire the Mortgage of York County Community College"

H.P. 203 L.D. 269

Bill "An Act To Expand Workforce Development Programs"  
H.P. 235 L.D. 291

Bill "An Act to Authorize a General Fund Bond Issue To Help Construct a Recreation Center for the City of Presque Isle"  
H.P. 236 L.D. 292

Bill "An Act To Authorize a General Fund Bond Issue for Capital Projects for the Maine Community College System and the University of Maine System"

H.P. 248 L.D. 304

Bill "An Act To Increase the Availability of Cellular Telephone Service for Rural Residents"

H.P. 249 L.D. 305

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.

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Bill "An Act To Encourage the Use of Solar Energy"

H.P. 234 L.D. 290

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

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

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

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Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation

H.P. 204 L.D. 270

Bill "An Act Regarding Notification of Intent To Sell a Mobile Home Park"

H.P. 225 L.D. 281

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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Bill "An Act Concerning Posting the Registry of Convicted Sex Offenders"

H.P. 238 L.D. 294

Bill "An Act To Increase the Fines for Littering"

H.P. 239 L.D. 295

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.

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Bill "An Act To Permit Andover College To Issue Degrees under New Ownership" (EMERGENCY)

H.P. 205 L.D. 271

Bill "An Act To Create Charter Programs within Existing Schools"

H.P. 206 L.D. 272

Bill "An Act To Address the Evaluations of Certain School Employees"

H.P. 237 L.D. 293

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 **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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Bill "An Act To Help Save the Homes of Some Persons Who Enter Nursing Facilities"

H.P. 207 L.D. 273

Bill "An Act To Provide Dental Care for Pregnant Women and New Mothers Receiving MaineCare Benefits"

H.P. 226 L.D. 282

Bill "An Act To Require Direct Payment to Child Care Centers"

H.P. 227 L.D. 283

Bill "An Act To Provide Medically Necessary Speech Therapy Services"

H.P. 250 L.D. 306

Come 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.

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Bill "An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens"

H.P. 208 L.D. 274

Bill "An Act To Permit Archery Hunters the Opportunity To Take an Additional Deer"

H.P. 228 L.D. 284

Bill "An Act To Designate Additional Wild Trout Waters for Recognition and Protection"

H.P. 229 L.D. 285

Bill "An Act To Enhance Land Use Opportunities for Landowners"

H.P. 251 L.D. 307

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

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

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Bill "An Act To Incorporate the Federal Real Estate Settlement Procedures Act into the Maine Consumer Credit Code"  
H.P. 265 L.D. 331

Bill "An Act To Update References to Federal Laws in the Maine Uniform Securities Act and To Make Other Technical Corrections to the Act" (EMERGENCY)  
H.P. 266 L.D. 332

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

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

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Bill "An Act To Restrict Takings under Eminent Domain"  
H.P. 210 L.D. 254

Bill "An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws"  
H.P. 211 L.D. 255

Bill "An Act To Protect Child Victims of Sexual Abuse"  
H.P. 209 L.D. 275

Bill "An Act To Protect Veterinarians Providing Animal Welfare Services for the State"  
H.P. 230 L.D. 286

Bill "An Act To Amend the Laws Governing Indemnification Agreements"  
H.P. 240 L.D. 296

Bill "An Act To Strengthen the Whistleblowers' Protection Act"  
H.P. 247 L.D. 303

Bill "An Act To Establish the Fully Informed Jury Act"  
H.P. 252 L.D. 308

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

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

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Bill "An Act To Provide Leave to a Spouse in the Case of Death of or Injury to a Member of the Armed Forces"  
H.P. 212 L.D. 256

Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System  
H.P. 241 L.D. 297

Bill "An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System"  
H.P. 258 L.D. 323

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.

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Bill "An Act To Limit Campaigning at Polling Places"  
H.P. 231 L.D. 287

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Certain Incarcerated Felons  
H.P. 244 L.D. 300

Bill "An Act To Change the Laws Concerning Games of Chance"  
H.P. 253 L.D. 309

Bill "An Act To Ensure the Integrity of Maine's Electoral Process by Requiring Physical Ballots"  
H.P. 254 L.D. 310

Bill "An Act To Protect the Integrity of Security Deposits"  
H.P. 264 L.D. 330

Come 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.

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Bill "An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council"  
H.P. 213 L.D. 257

Bill "An Act To Create a Nonresident Lobster and Crab Landing Permit"  
H.P. 255 L.D. 311

Resolve, To Require the Department of Marine Resources To Report on Results of Anadromous Fish Restoration on the Kennebec River System  
H.P. 259 L.D. 324

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.

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Bill "An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws"

H.P. 214 L.D. 258

Bill "An Act Relating to Alternate Directors for Public Waste Disposal Corporations"

H.P. 245 L.D. 301

Bill "An Act To Enhance Implementation of the Significant Wildlife Habitat Rules" (EMERGENCY)

H.P. 261 L.D. 326

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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Bill "An Act To Allow Residents of a Township in the Unorganized Territory To Enact a Noise Ordinance for That Township"

H.P. 256 L.D. 312

Comes 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.

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Bill "An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements"

H.P. 215 L.D. 259

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

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

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

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Bill "An Act To Provide an Income Tax Deduction for Teachers To Account for the Purchase of Supplies"

H.P. 216 L.D. 260

Bill "An Act To Define More Clearly Procedures by Which a Municipality Assesses Property"

H.P. 217 L.D. 261

Bill "An Act To Amend the Credit for Rehabilitation of Historic Properties"

H.P. 218 L.D. 262

Bill "An Act To Reduce the Property Tax Burden"

H.P. 219 L.D. 263

Bill "An Act To Increase the State Share of the Homestead Exemption to 70%"

H.P. 232 L.D. 288

Bill "An Act To Assist Higher Education Debt Reduction"

H.P. 242 L.D. 298

Bill "An Act To Create an Alternative Fuel Vehicle Income Tax Credit and an Alternative Fuel Vehicle Rebate"

H.P. 246 L.D. 302

Bill "An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing"

H.P. 257 L.D. 313

Bill "An Act To Clarify the Tax-exempt Status of Ornamental Horticulture"

H.P. 260 L.D. 325

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

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

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Bill "An Act To Amend the Temporary Registration Plate Law"

H.P. 220 L.D. 264

Bill "An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units"

H.P. 221 L.D. 265

Bill "An Act To Fully Fund the Project To Replace the Route 302 Bridge in Naples"

H.P. 222 L.D. 266

Bill "An Act To Aid Municipalities Concerning Plowing Efficiency"

H.P. 243 L.D. 299

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

H.P. 262 L.D. 327

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.

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Bill "An Act To Ensure Proper Funding of the Public Utilities Commission" (EMERGENCY)

H.P. 223 L.D. 267

Bill "An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission" (EMERGENCY)

H.P. 224 L.D. 268

Come 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.

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**COMMUNICATIONS**

The Following Communication: S.P. 126

**STATE OF MAINE**  
**123<sup>RD</sup> LEGISLATURE**  
**AUGUSTA, MAINE 04333-0003**

January 24, 2007

Sen. Ethan Strimling  
Senate Chair, Joint Standing Committee on Labor  
Rep. John L. Tuttle  
House Chair, Joint Standing Committee on Labor  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine State Retirement System Board of Trustees:

Carol Mitchell of Portland for appointment  
Peter Leslie of Waterford for reappointment  
Benedetto Viola of Scarborough for reappointment  
Kenneth Williams of Damariscotta for reappointment  
Richard Metivier of Lewiston for reappointment

Pursuant to Title 5 M.R.S.A. §17102, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

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

Sent down for concurrence.

---

The Following Communication: S.C. 49

**STATE OF MAINE**  
**123<sup>RD</sup> LEGISLATURE**  
**AUGUSTA, MAINE 04333-0003**

January 8, 2007

Chief Justice Leigh I. Saufley  
Maine Supreme Judicial Court  
P. O. Box 368  
Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 123<sup>rd</sup> Maine Legislature on Tuesday, January 30, 2007 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: H.C. 33

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

January 23, 2007

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

Dear Secretary O'Brien:

The House voted today to insist on its former action whereby it Indefinitely Postponed Joint Order to Amend Joint Rule 219 to Require a 2/3 Vote on Legislation that Exceeds Spending Limitations (S.P. 10).

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Provide Funding for the Maine-Canada Trade Ombudsman"

S.P. 118 L.D. 374

Sponsored by Senator SHERMAN of Aroostook.  
Cosponsored by Representatives: BROWNE of Vassalboro, McLEOD of Lee, AYOTTE of Caswell, CLARK of Millinocket, CLEARY of Houlton.

Bill "An Act To Authorize a General Fund Bond Issue To Capitalize the Maine Marine Research Fund"

S.P. 120 L.D. 376

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative RECTOR of Thomaston and Senators: RAYE of Washington, DAMON of Hancock, Representatives: CAIN of Orono, PINGREE of North Haven.

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

Sent down for concurrence.

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Bill "An Act To Fund a Joint Appointment for a Groundfish Ecologist"

S.P. 121 L.D. 377

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative CAIN of Orono and Senators: RAYE of Washington, DAMON of Hancock, Representatives: RECTOR of Thomaston, PINGREE of North Haven.

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

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

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Bill "An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims"

S.P. 116 L.D. 372

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative SIMPSON of Auburn and Senators: DIAMOND of Cumberland, HASTINGS of Oxford, Representatives: BLANCHETTE of Bangor, SAVIELLO of Wilton, HOLMAN of Fayette, CARTER of Bethel, PIEH of Bremen, MILLS of Farmington.

Bill "An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison"

S.P. 122 L.D. 378

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative GERZOSKY of Brunswick and Senator: MITCHELL of Kennebec.

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

Sent down for concurrence.

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Bill "An Act To Protect the Public from Dangerous Dogs"

S.P. 124 L.D. 380

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative MAREAN of Hollis and Senator: SHERMAN of Aroostook, Representative: PIEH of Bremen.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

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Bill "An Act Regarding the Labor Market Adjustment for Teacher Salary Costs under Essential Programs and Services Funding"

S.P. 111 L.D. 338

Sponsored by Senator SHERMAN of Aroostook.  
Cosponsored by Representative BROWNE of Vassalboro and Senators: RAYE of Washington, SNOWE-MELLO of Androscoggin, DOW of Lincoln, Representatives: McLEOD of Lee, AYOTTE of Caswell, EMERY of Cutler, CLEARY of Houlton, TIBBETTS of Columbia.



Resolve, To Reduce the Number of School Administrative Units and Gain Administrative Efficiencies

S.P. 114 L.D. 370

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative NORTON of Bangor and Senators: ROTUNDO of Androscoggin, MILLS of Somerset, BOWMAN of York, Representatives: STRANG BURGESS of Cumberland, MILLETT of Waterford.

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

Sent down for concurrence.

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Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities"

S.P. 112 L.D. 339

Sponsored by Senator MARRACHÉ of Kennebec.  
Cosponsored by Representative TUTTLE of Sanford and Senator: BRANNIGAN of Cumberland, Representatives: WALKER of Lincolnville, CAMPBELL of Newfield.

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

Sent down for concurrence.

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Bill "An Act To Expand the Fall Wild Turkey Hunting Season"

S.P. 123 L.D. 379

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative CARTER of Bethel, Representative BRYANT of Windham and Senators: HASTINGS of Oxford, BRYANT of Oxford, GOOLEY of Franklin, Representatives: SAVIELLO of Wilton, JACKSON of Allagash, GIFFORD of Lincoln, PRATT of Eddington, TIBBETTS of Columbia.

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

Sent down for concurrence.

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Bill "An Act To Protect Young Consumers"

S.P. 115 L.D. 371

Sponsored by Senator NUTTING of Androscoggin.

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

Sent down for concurrence.

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Bill "An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State"

S.P. 117 L.D. 373

Sponsored by Senator SHERMAN of Aroostook.  
Cosponsored by Representative SIMPSON of Auburn and Senators: RAYE of Washington, BENOIT of Sagadahoc, Representatives: LORING of the Penobscot Nation, CLEARY of Houlton.

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

Sent down for concurrence.

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Bill "An Act To Amend the Family Medical Leave Laws"

S.P. 119 L.D. 375

Sponsored by Senator DAMON of Hancock.  
Cosponsored by Representative JACKSON of Allagash and Senators: MARRACHÉ of Kennebec, SULLIVAN of York, DOW of Lincoln, STRIMLING of Cumberland, Representatives: WOODBURY of Yarmouth, PERRY of Calais, PINGREE of North Haven, MILLS of Farmington.

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

Sent down for concurrence.

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Bill "An Act To Exempt Certain Shipping Fees from the Sales Tax"

S.P. 110 L.D. 337

Sponsored by Senator PLOWMAN of Penobscot.  
Cosponsored by Senator: COURTNEY of York, Representative: THOMAS of Ripley.

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

Sent down for concurrence.

Bill "An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered"

S.P. 125 L.D. 381

Sponsored by Senator GOOLEY of Franklin.  
Cosponsored by Representative LUNDEEN of Mars Hill and  
Senators: SHERMAN of Aroostook, ROSEN of Hancock,  
Representatives: HOTHAM of Dixfield, SAVIELLO of Wilton,  
KNIGHT of Livermore Falls, GOULD of South Berwick, NASS of  
Acton, MILLS of Farmington.

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

Sent down for concurrence.

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**Pursuant to Joint Order**  
**Joint Select Committee on Research, Economic**  
**Development and the Innovation Economy**

Senator BROMLEY for the **Joint Select Committee on**  
**Research, Economic Development and the Innovation**  
**Economy**, pursuant to S.P. 847 (2006) asked leave to report that  
the accompanying Bill "An Act To Authorize a General Fund Bond  
Issue for Research and Development To Stimulate Maine's  
Innovation Economy"

S.P. 107 L.D. 335

Be **REFERRED** to the Committee on **APPROPRIATIONS AND**  
**FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule  
218.

Report **READ**.

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

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**Pursuant to Statutes**  
**Community Preservation Advisory Committee**

Senator DOW for the **Community Preservation Advisory**  
**Committee**, pursuant to the Maine Revised Statutes, Title 30-A,  
section 4350, subsection 10 asked leave to report that the  
accompanying Bill "An Act To Reauthorize the Community  
Preservation Advisory Committee"

S.P. 108 L.D. 336

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

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

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

Sent down for concurrence.

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

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**ORDERS**

**Joint Resolution**

On motion by Senator **MITCHELL** of Kennebec (Cosponsored by  
Representative LANSLEY of Sabattus and Senators: BROMLEY  
of Cumberland, MARRACHÉ of Kennebec, SULLIVAN of York,  
BARTLETT of Cumberland, SHERMAN of Aroostook, DAMON of  
Hancock, DOW of Lincoln, HASTINGS of Oxford, STRIMLING of  
Cumberland, McCORMICK of Kennebec, SCHNEIDER of  
Penobscot, BENOIT of Sagadahoc, PERRY of Penobscot,  
MARTIN of Aroostook, Representatives: PERCY of Phippsburg,  
MARLEY of Portland, VAUGHAN of Durham, CRAVEN of  
Lewiston, CEBRA of Naples, GERZOFKY of Brunswick,  
FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, SAVIELLO of  
Wilton, DRISCOLL of Westbrook, WATSON of Bath, SIMPSON of  
Auburn, WEBSTER of Freeport, MAZUREK of Rockland, MILLER  
of Somerville, HASKELL of Portland, CLARK of Millinocket,  
KNIGHT of Livermore Falls, EATON of Sullivan, CONOVER of  
Oakland, PRATT of Eddington, PRIEST of Brunswick, PINGREE  
of North Haven, SILSBY of Augusta, TREAT of Farmingdale,  
WAGNER of Lewiston, FISCHER of Presque Isle, PIOTTI of  
Unity, PATRICK of Rumford, TUTTLE of Sanford, BRAUTIGAM  
of Falmouth) (Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 214.), the following  
Joint Resolution:

S.P. 113

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF**  
**THE UNITED STATES AND THE CONGRESS OF THE UNITED**  
**STATES TO REPEAL THE REAL ID ACT OF 2005**

WE, your Memorialists, the Members of the One Hundred and  
Twenty-Third Legislature of the State of Maine now assembled in  
the First Regular Session, most respectfully present and petition  
the President of the United States, the Secretary of Homeland  
Security and the Congress of the United States, as follows:

WHEREAS, the federal REAL ID Act of 2005 mandates an  
unfunded national driver's license on the people of Maine and  
was passed as a rider on a military spending bill; and

WHEREAS, implementation of the REAL ID Act of 2005 will cost  
Maine taxpayers approximately \$185 million; and  
WHEREAS, the REAL ID Act of 2005 national database will invite  
theft of identity and invasion of privacy; and

WHEREAS, the REAL ID Act of 2005 will impose inconveniences  
and higher taxes on Mainers with no attendant benefit such as  
protections from terrorism; now, therefore, be it

**RESOLVED:** That the Maine State Legislature refuses to implement the REAL ID Act of 2005, and we thereby protest the treatment by Congress and the President as agents of the Federal Government; and be it further

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the Congress of the United States repeal the REAL ID Act of 2005; and be it further

**RESOLVED:** That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable Michael Chertoff, Secretary of Homeland Security; the Honorable John E. Baldacci, Governor of the State of Maine; the Honorable Richard Cheney, President of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

# **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I must admit up until the past month or so I did not know, or had thought very little, about Real ID. As far as I knew it was a bad movie or something I didn't want to order on Netflix. As I have learned more and more about the magnitude of this law, or this rule, promulgated by the federal government I have become more and more concerned.

Years ago I had the privilege of working for a former Governor who decided seatbelt use was his number one priority. Again, I got in my car and I probably never fastened my seatbelt, but as I learned more about the issue from talking to medical technicians and what had happened to people who didn't, I cannot get near a car without fastening my seatbelt.

The more I have learned about Read ID I feel so honored that we are all here today to sound the alarm and say that we, as Maine people, are very concerned. Normally I look at Resolutions or Memorials to Congress and I think, 'Okay, we're sending a message,' but this is so important. This message to Congress is saying that this is an encroachment upon an individual's right to privacy. It's also a big unfunded mandate. If implemented as proposed next year, we're talking about \$185 million in cost to the State of Maine. We're talking about inconveniences to our citizens as they try to go to the Bureau of Motor Vehicles and get a drivers license. I'm sure many of you know stories of simply getting a drivers license these days, although our Secretary of State has worked very hard to make it a smooth process. As you go forward, under the new requirements to get this Real ID, which is a national identity card, you are going to have to take a birth certificate and other items that are going to be verified.

Last night I had the honor of sitting at a forum with an extraordinary collection of people who told me that we, in Maine, as usual, the Dirigo people, are on the right track. I sat on a panel with a representative from the Cato Institute. I sat on a panel with the Executive Director of the Sportsman's Alliance of Maine; with a representative from the Maine Civil Liberties Union; and my good colleague from the other end of the hall, Representative Lansley. We've worked together on education. We were all standing there talking about the importance of

privacy to Maine people and speaking up and saying to Congress that Maine people will not accept this.

You are going to be told, perhaps by some who think that this is important for our national security, that it's only voluntary. Let me speak to you about the voluntary nature of Real ID. If Maine does not comply, and the rules stay in place and the deadline stays in place, Maine citizens who won't have the National Identity Card can't board an airplane. They can't go into Federal buildings. We assume they can go into court if they are indicted to do that.

At the same time there are very serious issues affecting the people we represent. I honestly believe that this is what has united people on both ends of this building, both Republicans and Democrats, Conservatives and Liberals, and everybody who has a concern about privacy. There is concern about victims of domestic violence and all the information that you are going to have to give for this National Identity Card, which we think will look like a card that you swipe. Every bit of information about you is on that card. I'm not trying to frighten anyone here, but the more we know about it the more we find it appalling as Maine citizens. This is simply unacceptable.

Maine is not alone in standing up to this issue. Other states are joining in. We are just getting there first with this Resolution and later there will be legislation for you to consider which will talk about how the Secretary of State should not implement this. It is wrong. We do not want to participate in something that subjects our citizens to such a loss of privacy. If we don't speak up about that now who will? This probably is the greatest intrusion into privacy that I've ever witnessed in my years of public service. I don't think that was the intent. The intention was good. The intention was to protect us from terrorists and other issues concerning our safety, but we are told by everyone who's looked at this issue that the terrorists who inflicted 9/11 on our country could have done so even if we had had this National Identity Card. If we want to protect ourselves, let's do so and we can. This is a good problem, but a very wrong answer.

I hope that you will join with me in sending an extraordinary strong message to our Congressional Delegation to join with others across the country. Maine will just say no to this because we cherish and value our privacy and we do not believe it buys us any security. Thank you for the opportunity to present this Resolution. Thank you for the broad, strong bi-partisan support.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. All of us here in this Chamber are working very hard to make our government work more efficiently and effectively and to save money for the taxpayers of Maine. Real ID takes us in the opposite direction of the direction we all want to be heading in. Not only will it cost us an estimated \$185 million over the first five years, it's also going to necessitate raising license fees for the people of Maine. A study conducted by the National Conference of State Legislatures, the National Governor's Association, and the American Association of Motor Vehicle Administrators have estimated that this act could cost states more than \$11 billion over the next five years. Real ID, unfortunately, does not provide us with real protection and it creates an unfunded mandate that the state cannot afford. Please join me in supporting this Resolution so we can send a strong message to Washington about the need to protect privacy in this state and

also the need that we have to be able to continue to provide relief to the taxpayers in Maine. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I have two points of view on this. First of all, I'd like to commend everyone who has signed this for recognizing what an unfunded mandate does and how costly that can be. Also recognizing the real burden that we put on people by increasing fees and license fees. It's interesting, in my word I guess, that we tend to do those things without thinking twice but we object when the Federal Government does it. I hope that you will all be keeping this in mind as we develop our budget and we go through what we're going to pass onto the people of the state of Maine.

Having said that, I will tell you that after making several phone calls to our federal delegation that there is a compromise being worked on now and I don't need to tell you there is already a new Congress that has been sworn in. We probably will be seeing changes from the Federal Government regarding this. This is the first time, I believe, that I've seen a Joint Resolution where the word 'refuse' has been in it. I may be wrong. 'Refuse' is a very strong word and I know that you are sending a very strong statement. Refusing is something we talk about in different committees when federal funds come to us with strings attached. We never seem to think that those strings are too onerous when it comes time to refusing. The fact that money did not come with this, I guess, raised our level of courage. While we are refusing because there is lack of money, I hope you will show the same kind of courage when it comes with onerous strings attached and that we will show the same kind of wisdom when we're looking forward to crafting a budget that puts these same kinds of licenses and fees on the people of the state of Maine. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I rise today in support of this Resolution and I rise as the former Chair of the Taskforce on Homeland Security. I can tell you that those of us who were on the taskforce, including my good friend across the aisle, traveled all the way across this state, from the top to the bottom. We heard from law enforcement officials from every corner; from Oxford Hills to Presque Isle, down to Biddeford, Portland, Brunswick, Rockland, Bangor, and everywhere. Not one of them, not one, said, 'You need to implement a Real ID in order to protect this state.' They knew that Real ID, if it had been in place, would not have protected us from Timothy McVay, it would not have protected us from the Unabomber, it would not have protected us from Olympic Bomber, and most importantly it would not have protected us from 9/11. It would have had no impact. If you want to find ways that we can make sure that we secure Maine read our report. There are lots of recommendations. In fact, you voted and implemented virtually all of them last year; from making sure that our communication systems worked, to making sure that evacuation plans are in place, to making sure our hospitals have enough beds, to making sure that our ports are inspected. This will do nothing to protect us. On top of that, it will create problems within our community

for those who cannot afford to pay the fees to purchase. Those who are renters, who change their addresses every few years, or low income who change their addresses, are going to have to pay the fee every time. If you are elderly and you don't have your birth certificate any more and you go to the Department of Motor Vehicles and they say, 'Just call the hospital' and that hospital doesn't seem to exist any more because you were born 70 years ago. You are not going to be able to get this ID. If you want to fly on an airplane and you're not able to get this ID, you are going to be excluded from that form of transportation. Number one, it does nothing to protect us, and law enforcement will say it over and over again. This is not something that we need. Number two, it creates an onerous burden on those in our communities who cannot afford any more burdens. If we want to protect our country there are many things that we can do and this is not one of them.

Same Senator requested a Roll Call.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I certainly support this Resolution. I would have signed on, as many others would have, had time been possible and appreciate that consideration.

I support this from a more practical position. As a former Secretary of State, one of the biggest problems this will present to the workers, the employees, at the Bureau of Motor Vehicles will be longer lines. One thing that I know the current Secretary of State and all the workers are trying to limit those lines and the time people spend while getting their license or getting other business taken care of while at the branches. This, without a doubt, will lengthen that time and lengthen those lines because of the challenges that will come with this.

I would just point out from that perspective that we should consider that as well, that as a pragmatic, a very practical reason, beyond all the other good reasons you've heard why this Real ID should not be implemented and hopefully we'll have a little influence with Congress as they consider this. Again, I would present that as one more option for you to think about and I hope you will join me and others in supporting this Resolution. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President. Very briefly and I apologize for imposing on your time once more, but this is so important. The Senator from Penobscot, Senator Plowman, implied that this was exclusively, almost, about unfunded mandates. In our forum last night a representative of a civil libertarian group, a Republican I might add, said, 'If the federal government brought you all the money to make it possible for the Bureau of Motor Vehicles to do this quickly or whatever else, would the State of Maine change its mind?' The answer was unanimously 'no' because that does not protect the privacy of Maine's citizens. No amount of money is going to make this protective of Maine's privacy. The gentleman from the Cato Institute gave the best visual example, and I can't use visuals on the floor. He held up his key ring. He said, 'I have a key to my house, I have a key to my car, I have a key to various other

things. If you get my key ring, you may be able to get into one of my private possessions. If you get this National Identity Card, everything I own is on that swipe of information.' Not only is it for Maine, by the way, it's shared with all 50 states. That is a very frightening thing. Even though money is extraordinarily important and we do respect the comments about unfunded mandates, the overriding concern, for me, is the issue of protecting Maine people's privacy. It's extraordinarily important. We have both issues to think about and I would encourage your unanimous support of this Resolution.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Benoit.

Senator **BENOIT:** Thank you, Madame President and men and women of the Senate. While some are very concerned about unfunded mandates, I am as well, but I signed on as a co-sponsor because I believe it's important to protect our personal privacy rights. We should never compromise that. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President, women and men of the Senate. I ask your forgiveness for not repeating the privacy indications in the 1-1/2 lines of the Resolution. I have listened very carefully and if I fail to mention that it is because I thought it had already been covered. Thank you.

On motion by Senator **STRIMLING** of Cumberland, 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, ladies and gentlemen of the Senate. I think just about everybody in the Chamber has spoke on this matter so I should join in. I fully intend to vote in support of the Resolution that is before us. I just want to leave you with a lingering thought with respect to how we can improve our security. This is the wrong implementation of what might be a good idea. Most of our first world nations and some of the many second world nations had National ID's and as a matter of course all citizens carry them. I don't know if that is necessarily a bad thing for us to consider on a go-forward basis. It has to be carefully done and that we are safeguarding our privacy, which I think is a primary concern for all of us. I'd leave you with that thought and urge your support of the Resolution before us. Thank you, Madame President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to Adopt. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary The Secretary called the Roll with the following results:

## ROLL CALL (#17)

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

**NAYS:** Senators: None

**ABSENT:** Senator: BRYANT

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, on motion by Senator **MITCHELL** of Kennebec, **ADOPTED.**

Sent down for concurrence.

## ORDERS OF THE DAY

### Unfinished Business

The following matters 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 (1/16/07) Assigned matter:

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

Tabled - January 16, 2007, by Senator **RAYE** of Washington

Pending - **REFERENCE**

(In House, January 16, 2007, **REFERRED** to the committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.)

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

The Chair laid before the Senate the following Tabled and Later (1/23/07) Assigned matter:

Bill "An Act To Require Mapping of Conservation Easements, Purchases and Gifts"

S.P. 92 L.D. 277

Tabled - January 23, 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 **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

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

#### **PAPERS FROM THE HOUSE**

##### **Joint Order**

An Expression of Legislative Sentiment recognizing:

The Wolfington Group, of Augusta, which has received a 2007 President's Award from the Kennebec Valley Chamber of Commerce. Harry J. Wolfington, of Hallowell, turned his automobile sales experience into a multimillion-dollar consulting, training and marketing company that services automobile dealerships nationwide. The Wolfington Group, incorporated since 1999, has expanded from a handful of employees to more than 100 and is one of the largest automobile marketing companies in the country. We congratulate Mr. Wolfington, the Wolfington Group and all of its employees on their receiving this honor and send them our best wishes for future success;

HLS 52

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

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues of the Senate. We have an extraordinary guest. He's the epitome of an entrepreneur in Maine. He's going to be recognized this Friday by the Kennebec Chamber and he has taken a small consulting group and turned it into a multi-million dollar enterprise. It's called the Wolfington Group. It's in Augusta. He's getting the President's Award. I'd like to ask, with your permission, that Harry J. Wolfington to be recognized by the Chamber.

**PASSED**, in concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Harry J. Wolfington of Hallowell. Will he please rise and receive the greetings of the Maine Senate.

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

#### **COMMUNICATIONS**

The Following Communication: S.P. 127

January 25, 2007

Sen. Bill Diamond  
Senate Chair, Joint Standing Committee on Criminal Justice and Public Safety  
Rep. Stan Gerzofsky  
House Chair, Joint Standing Committee on Criminal Justice and Public Safety  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Diamond and Representative Gerzofsky:

Please be advised that Governor John E. Baldacci has nominated Robert McAleer of Harpswell for appointment as Director of Maine Emergency Management Agency.

Pursuant to M.R.S.A. Title 37-B §704, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

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#### **Off Record Remarks**

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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 the Land for Maine's Future Program"

H.P. 287 L.D. 357

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders"

H.P. 281 L.D. 351

Bill "An Act To Create a Waiting Period for Firearms"

H.P. 291 L.D. 361

Bill "An Act To Effect the Seizure and Disposal of Contraband Fireworks" (EMERGENCY)

H.P. 292 L.D. 362

Bill "An Act To Improve Juvenile Justice"

H.P. 293 L.D. 363

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Regarding School Transportation"

H.P. 273 L.D. 343

Bill "An Act To Increase State Funding of Public Education"

H.P. 276 L.D. 346

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 **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, To Promote Community Integration for Individuals with Brain Injuries

H.P. 295 L.D. 365

Come 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.

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Bill "An Act To Stop Misleading Drug Advertisements"

H.P. 294 L.D. 364

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

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

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Improve Landowner Relations"

H.P. 277 L.D. 347

Bill "An Act Concerning Certain Hunting License Fees and Antlerless Deer Permits"

H.P. 286 L.D. 356

Bill "An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species"

H.P. 296 L.D. 366

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.

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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 the Probate Code To Affect Claims against an Estate"

H.P. 271 L.D. 341

Bill "An Act Regarding the Reporting Requirements of Guardians and Conservators"

H.P. 284 L.D. 354

Bill "An Act To Protect Emergency Room Personnel from Civil Liability"

H.P. 297 L.D. 367

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Limit Contributions to Political Action Committees"  
H.P. 278 L.D. 348

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.

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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 the Replacement of Trees Cut in Shoreland Areas"

H.P. 270 L.D. 340

Bill "An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances"

H.P. 275 L.D. 345

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Contract Out the State Single Audit"

H.P. 272 L.D. 342

Bill "An Act To Modify the Membership of the Franklin County Budget Advisory Committee"

H.P. 274 L.D. 344

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee

H.P. 283 L.D. 353

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.

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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 a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use"

H.P. 279 L.D. 349

Bill "An Act To Create the Maine Fishery Infrastructure Tax Credit Program"

H.P. 288 L.D. 358

Bill "An Act To Encourage Employers To Defray the Cost of College for the Children of Their Employees"

H.P. 298 L.D. 368

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

On motion by Senator **PERRY** of Penobscot, **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 Paper**

Bill "An Act To Protect Citizens from Physical Injury Due to Obstructed Driveways"

H.P. 280 L.D. 350

Comes 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.

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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 an Appeal Process Regarding Rate Increases of Certain Quasi-municipal Districts and Corporations"

H.P. 282 L.D. 352

Bill "An Act To Require High-speed Internet Access for All Maine Residents"

H.P. 299 L.D. 369

Come 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.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites (EMERGENCY)

H.P. 268 L.D. 334

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Community Preservation Advisory Committee**

The **Community Preservation Advisory Committee**, pursuant to the Maine Revised Statutes, Title 30-A, section 4350, subsection 10 asked leave to report that the accompanying Bill "An Act To Reward Cooperation in Comprehensive Planning"

H.P. 269 L.D. 333

Be **REFERRED** to the Committee on **NATURAL RESOURCES** 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 **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

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

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Community Preservation Advisory Committee**

The **Community Preservation Advisory Committee**, pursuant to the Maine Revised Statutes, Title 30-A, section 4350, subsection 10 asked leave to report that the accompanying Bill "An Act To Link Sewer Extension Funding to Comprehensive Planning"

H.P. 289 L.D. 359

Be **REFERRED** to the Committee on **NATURAL RESOURCES** 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 **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Off Record Remarks

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

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

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Senator **DOW** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate off the Record.

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#### **PAPERS FROM THE HOUSE**

Off Record Remarks

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##### **House Paper**

Resolve, To Establish a Committee To Examine Issues Relating to the Administration and Distribution of Municipal Revenue Sharing (EMERGENCY)

H.P. 285 L.D. 355

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 30, 2007, at 10:00 in the morning.

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

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

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

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#### **ORDERS OF THE DAY**

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

Bill "An Act To Stop Misleading Drug Advertisements"  
H.P. 294 L.D. 364

Tabled - January 25, 2007, by Senator **BROMLEY** of Cumberland

Pending - **REFERENCE**

(In House, January 25, 2007, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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