

# MAINE STATE LEGISLATURE

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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  
Thursday  
February 1, 2007

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

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Prayer by Leslie Manning of Durham Friends Meeting in Durham.

**MS. MANNING:** Good morning, friends. We are a people who believe that there is that of God in every one of us and it is our responsibility to honor it, to seek it out, and to inspire it. We believe that prayer is a conversation that starts with God and we believe in the redemptive power of love. We live by our testimonies, peace, truth, simplicity, and community. Let us pray.

From the book of James to the Twelve Tribes disbursed throughout the nations; 'Who is wise and understanding among you? Let him show it by his good life, by deeds done, and the humility that comes from wisdom. But if you harbor bitter envy and selfish ambition in your hearts, do not boast about it or foreswear the truth. Such wisdom does not come from Heaven but is earthly, unspiritual, and evil. For where you have envy and selfish ambition there you find disorder and every evil practice. But the wisdom that comes from Heaven is first of all pure, then peace loving, considerate, submissive, full of mercy, and good fruit, impartial and sincere. Peacemakers who sow in peace raise a harvest of righteousness.' Let us go forth and love and serve our God.

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Reading of the Journal of Tuesday, January 30, 2007.

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Doctor of the day, Rebecca Chagrasulis, MD of Casco.

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Off Record Remarks

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Out of order and under suspension of the Rules, on motion by Senator **MITCHELL** of Kennebec, the following Joint Order:  
S.P. 166

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 6, 2007, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Accounting Procedure for Certain State Programs"

H.P. 341 L.D. 425

Committee on **TAXATION** 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.

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Bill "An Act To Support and Create Creative Economy Businesses"

H.P. 348 L.D. 449

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

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

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Bill "An Act To Provide for Prescription Monitoring and Protection of Personal Patient Information"

H.P. 302 L.D. 386

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

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

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 Improve the Driver Education and Evaluation Programs"

H.P. 303 L.D. 387

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

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

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

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Bill "An Act To Improve Access to HIV Testing in Health Care Settings"

H.P. 345 L.D. 429

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

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

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 Enable the Dirigo Health Program To Be Self-administered"

H.P. 347 L.D. 431

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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 Identify the Methodology Used To Develop a Fiscal Note"

H.P. 290 L.D. 360

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

Comes from the House, **REFERRED** to the Joint Select Committee on **JOINT RULES**.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Joint Select Committee on **JOINT RULES** and ordered printed, in concurrence.

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Resolve, To Study Alternative Fuel Use by Schools and Public Buildings

H.P. 325 L.D. 409

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES**.

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 Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources"

H.P. 315 L.D. 399

Committee on **NATURAL RESOURCES** suggested and ordered printed.

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

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

Sent down for concurrence.

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Off Record Remarks

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#### SENATE PAPERS

Bill "An Act To Clarify the Status of Lots Greater than 40 Acres on Plans Recorded for Unorganized Territory Land before September 21, 2001"

S.P. 158 L.D. 471

Sponsored by Senator **MILLS** of Somerset.

Bill "An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State"

S.P. 159 L.D. 472

Sponsored by Senator **MILLS** of Somerset.

Bill "An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships"

S.P. 160 L.D. 473

Sponsored by Senator **MILLS** of Somerset.

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

Sent down for concurrence.

Bill "An Act To Create the Marine Research Matching Fund"  
S.P. 150 L.D. 463

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative RECTOR of Thomaston and  
Senators: DOW of Lincoln, STRIMLING of Cumberland,  
Representatives: Speaker CUMMINGS of Portland, PINGREE of  
North Haven.

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

Sent down for concurrence.

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Bill "An Act To Disseminate 'Lessons Learned' from Medical Injury  
Claims"

S.P. 156 L.D. 469

Sponsored by Senator BOWMAN of York.  
Cosponsored by Representative NORTON of Bangor and  
Senator: MARRACHÉ of Kennebec.

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to  
the Committee on **JUDICIARY**.

Sent down for concurrence.

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Bill "An Act To Reform Public Education by Encouraging Regional  
Approaches"

S.P. 151 L.D. 464

Sponsored by Senator MITCHELL of Kennebec.  
Cosponsored by Representative CROCKETT of Augusta and  
Senators: DOW of Lincoln, President EDMONDS of Cumberland,  
MILLS of Somerset, ROSEN of Hancock, STRIMLING of  
Cumberland, Representatives: Speaker CUMMINGS of Portland,  
NORTON of Bangor, STRANG BURGESS of Cumberland.

Bill "An Act To Prohibit School Administrative Units from  
Advocating in Political Activity"

S.P. 152 L.D. 465

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative STRANG BURGESS of  
Cumberland.

Bill "An Act To Amend the Laws Governing Compulsory School  
Attendance"

S.P. 155 L.D. 468

Sponsored by Senator BOWMAN of York.  
Cosponsored by Representative NORTON of Bangor and  
Senator: SULLIVAN of York.

Bill "An Act To Add Ten Days to the School Year"  
(EMERGENCY)

S.P. 157 L.D. 470

Sponsored by Senator MILLS of Somerset.

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 Regarding the Protection and Advocacy Agency  
Advisory Council"

S.P. 154 L.D. 467

Sponsored by Senator BRANNIGAN of Cumberland.

Bill "An Act To Amend the Definition of Health Care Facility To  
Include Hospice Facilities" (EMERGENCY)

S.P. 165 L.D. 500

Sponsored by Senator DIAMOND of Cumberland.  
Cosponsored by Representative PENDLETON of Scarborough  
and Senators: BOWMAN of York, HOBBS of York,  
McCORMICK of Kennebec, ROTUNDO of Androscoggin,  
TURNER of Cumberland, Representative: McDONOUGH of  
Scarborough.

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 Establish a Reinsurance Fund To Expand Health  
Insurance Coverage for Individuals and Small Groups"

S.P. 163 L.D. 476

Sponsored by Senator ROSEN of Hancock.  
Cosponsored by Senators: NASS of York, RAYE of Washington,  
TURNER of Cumberland, Representatives: RECTOR of  
Thomaston, SCHATZ of Blue Hill.

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 Deter Parental Alienation"

S.P. 164 L.D. 477

Sponsored by Senator BARTLETT of Cumberland.  
Cosponsored by Senators: HOBBS of York, MARRACHÉ of  
Kennebec, MITCHELL of Kennebec.

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

Sent down for concurrence.

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Bill "An Act To Prevent Additional Housing Charges for Persons Requiring In-home Care"

S.P. 162 L.D. 475

Sponsored by Senator MARRACHÉ of Kennebec.  
Cosponsored by Representatives: BEAUDOIN of Biddeford, CLARK of Millinocket, MUSE of Fryeburg, PERRY of Calais, PINGREE of North Haven, TREAT of Farmingdale, WEBSTER of Freeport.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

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

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Bill "An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances"  
S.P. 153 L.D. 466

Sponsored by Senator DOW of Lincoln.  
Cosponsored by Representative McKANE of Newcastle and Representative: PIEH of Bremen.

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

Sent down for concurrence.

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Resolve, To Direct the Department of Transportation To Rename State Bridge Number 5278 the Ryan Quirion Guthrie Bridge  
S.P. 161 L.D. 474

Sponsored by Senator MARRACHÉ of Kennebec.

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

Sent down for concurrence.

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

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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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 Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)  
H.P. 383 L.D. 499

Bill "An Act To Provide Relief to the Commuters on Casco Bay Islands"  
H.P. 384 L.D. 501

Bill "An Act To Ensure That Maine Residents Have Reliable Winter Heating Assistance"  
H.P. 385 L.D. 502

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act Regarding Licensure Testing by the Oil and Solid Fuel Board"  
H.P. 363 L.D. 479

Resolve, To Reduce Paperwork Retention Required by the Maine State Housing Authority  
H.P. 364 L.D. 480

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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, Directing the Department of Education To Review and Assess Distance Learning Opportunities for High School Students  
H.P. 365 L.D. 481

Resolve, To Conduct an Objective and Independent Review of Essential Programs and Services  
H.P. 366 L.D. 482

Bill "An Act To Require That Public Schools Start after Labor Day"  
H.P. 367 L.D. 483

Bill "An Act To Adjust the School Funding Formula with Regard to Unorganized Territories"  
H.P. 368 L.D. 484

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 Paper

Bill "An Act Regarding Children in the Child Welfare System"  
H.P. 371 L.D. 487

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.

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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 Free Turkey Hunting Permits to Maine Residents 80 Years of Age or Older"  
H.P. 369 L.D. 485

Bill "An Act To Establish an Apprenticeship Hunter License Program"  
H.P. 370 L.D. 486

Bill "An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Permits to Beagle Clubs To Trap Snowshoe Hares" (EMERGENCY)  
H.P. 386 L.D. 503

Bill "An Act To Require the Commissioner of Inland Fisheries and Wildlife To Reserve 250 Moose Permits for Residents Who Have Never Received One"  
H.P. 387 L.D. 504

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 Child Support Laws"  
H.P. 372 L.D. 488

Resolve, To Increase the Authority of the Consumer Protection Division of the Office of the Attorney General  
H.P. 373 L.D. 489

Bill "An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact"  
H.P. 389 L.D. 506

Bill "An Act Recognizing Native American Religion in Maine Prisons and Jails"  
H.P. 390 L.D. 507

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.

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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 Clarify Reporting of Contributions and Expenditures by Persons Involving a Ballot Question"  
H.P. 374 L.D. 490

Bill "An Act To Set Limits on Political Action Committee Contributions"  
H.P. 375 L.D. 491

Bill "An Act Concerning Citizens' Initiatives and Public Disclosure of Influence"  
H.P. 391 L.D. 508

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws"  
H.P. 376 L.D. 492

Bill "An Act To Amend Laws Pertaining to Entry into the Lobster Fishery"  
H.P. 392 L.D. 509

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, To Require the Department of Environmental Protection To Provide Engineering and Permitting Assistance To Clean Up Toothaker Pond (EMERGENCY)  
H.P. 377 L.D. 493

Comes 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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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 Amend the Membership of the Advisory Council on Tax-deferred Arrangements"  
H.P. 393 L.D. 510

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 Repeal the Motor Vehicle Inspection Laws"  
H.P. 378 L.D. 494

Bill "An Act To Add the Combat Infantryman Badge to the Special Commemorative Decals for Veterans License Plates"  
H.P. 379 L.D. 495

Bill "An Act To Exempt Emergency Vehicles from Tolls on the Maine Turnpike"  
H.P. 380 L.D. 496

Bill "An Act To Allow Funeral Processions To Use Certain Lights"  
H.P. 381 L.D. 497

Bill "An Act To Study the Feasibility of Locating a New Bridge in the St. David Area"  
H.P. 394 L.D. 511

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 Limit the Charges for a Lost Cell Phone"  
H.P. 382 L.D. 498

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.

#### 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 (1/30/07) Assigned matter:

Bill "An Act To Provide Funding to the Department of Agriculture, Food and Rural Resources for Veterinarians for Farm Animals"  
H.P. 316 L.D. 400

Tabled - January 30, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, January 30, 2007, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 6, 2007, at 10:00 in the morning.