

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
Tuesday
February 6, 2007

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

Prayer by Pastor David Kelly of Grace Bible Church in Sangerville.

PASTOR KELLY: Good morning and it is a pleasure to be here. It is indeed a privilege to open the Senate in prayer. Will you please bow with me in prayer.

Dear Heavenly Father, we bow before You and ask You for Your wisdom and strength. It isn't easy to represent our constituents with differing opinions and expectations. Our agenda may be light at this time of year, but the steps we are taking today will most likely have a great impact on the decisions we make for weeks, if not years, to come. Lord, give us candor yet help us listen carefully to those with whom we disagree. Discipline our tongues and guard our minds from false assumptions. Help us to understand the laws of the State so that our ideas will rest upon a firm foundation and may Your truth, justice, and mercy guide us and guard us. Above all, may we walk humbly before You as we attempt to walk and work together. We consider this a privilege to bow before the Lord God of heaven and earth. May You so lead us and may we so follow that this day will be blessed. This I pray in the lovely name of Jesus. Amen.

Pledge of Allegiance led by Senator Christine R. Savage of Knox County.

Reading of the Journal of Thursday, February 1, 2007.

Doctor of the day, David Simmons, MD of Calais.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

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

In Senate, January 25, 2007, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

COMMUNICATIONS

The Following Communication: S.C. 54

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

January 30, 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 Title 34-A M.R.S.A. §3002-A, I am pleased to appoint Senator Peter Bowman of York to the Policy Review Council, representing a member of the Maine State Senate who is the Senate Chair of the Joint Standing Committee of the Legislature having jurisdiction over education matters.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 55

**STATE OF MAINE
123RD LEGISLATURE**

January 30, 2007

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

Dear Secretary O'Brien:

Pursuant to our authority under Title 12, MRSA, Chapter 419, §4652, we are pleased to reappoint Senator Dennis Damon of Hancock to the Atlantic States Marine Fisheries Commission.

Please let us know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 56

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

January 29, 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 Title 10, MRSA, chapter 110, section 1079, I am pleased to reappoint A. Charles Kennedy to the Advisory Committee on Family Development Accounts, as a representative of a contributor of matching funds to the program.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Make More Affordable the Surcharge on the Sale of Dogs and Cats That Have Not Been Neutered"

S.P. 171 L.D. 516

Sponsored by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative VAUGHAN of Durham and
Senator: GOOLEY of Franklin, Representatives: CEBRA of
Naples, McKANE of Newcastle.

Bill "An Act To Streamline the Regulation of Agricultural
Composters"

S.P. 176 L.D. 564

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative MAREAN of Hollis and Senators:
MARTIN of Aroostook, NASS of York, SHERMAN of Aroostook,
Representatives: JACOBSEN of Waterboro, LEWIN of Eliot,
NASS of Acton.

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 Authorize a General Fund Bond Issue To Facilitate
Laboratory and Education Facility Construction for the Gulf of
Maine Research Institute"

S.P. 185 L.D. 594

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative CAIN of Orono and Senators:
DAMON of Hancock, RAYE of Washington, Representatives:
AUSTIN of Gray, PERCY of Phippsburg, SAVAGE of Falmouth,
WOODBURY of Yarmouth.

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

Sent down for concurrence.

Bill "An Act To Remove the Sunset on the Exemption of Internet
Services from Auctioneer Licensure Requirements"
(EMERGENCY)

S.P. 177 L.D. 565

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative RECTOR of Thomaston.

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 Protect Community Safety by Amending Maine's Bail Code"

S.P. 169 L.D. 514

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Senator MITCHELL of Kennebec,
Representative CANAVAN of Waterville and Senators:
MARRACHÉ of Kennebec, McCORMICK of Kennebec,
Representatives: BRYANT of Windham, CLARK of Millinocket,
FLETCHER of Winslow, GERZOFKY of Brunswick, HANLEY of
Gardiner, HASKELL of Portland, HILL of York, MAREAN of Hollis,
MOORE of Standish, PLUMMER of Windham, SYKES of
Harrison, TRINWARD of Waterville.

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 Integrate the Approval of Early Childhood
Education Plans for Children 4 Years of Age into Basic School
Approval for Elementary Schools"

S.P. 172 L.D. 560

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative WEBSTER of Freeport and
Senator: TURNER of Cumberland, Representatives:
EDGECOMB of Caribou, NORTON of Bangor.
Submitted by the Department of Education pursuant to Joint Rule
204.

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 Conform HIV Testing to the Recommendations of
the Federal Centers for Disease Control and Prevention"

S.P. 180 L.D. 568

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Senator: SHERMAN of Aroostook,
Representatives: MILLER of Somerville, WALKER of Lincolnville.

Bill "An Act To Repeal the Laws Governing Long-term Foster
Care"

S.P. 187 L.D. 596

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative FAIRCLOTH of Bangor.
Submitted by the Department of Health and Human Services
pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Amend Laws Relating to Persons Serving as
Permanency Guardians or Receiving Permanency Guardianship
Subsidies"

S.P. 170 L.D. 515

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative PINGREE of North Haven.
Submitted by the Department of Health and Human Services
pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Change the Name of the Maine State Retirement
System"

S.P. 167 L.D. 512

Sponsored by Senator STRIMLING of Cumberland.
Submitted by the Maine State Retirement System pursuant to
Joint Rule 204.

Bill "An Act To Define 'Livable Wage'"

S.P. 186 L.D. 595

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative CLARK of Millinocket and
Representatives: CHASE of Wells, CONOVER of Oakland,
PILON of Saco.

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

Sent down for concurrence.

Bill "An Act To Move the Primary Election from June to
September"

S.P. 175 L.D. 563

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative HOTHAM of Dixfield and
Senators: DOW of Lincoln, HASTINGS of Oxford, PERRY of
Penobscot, PLOWMAN of Penobscot, SCHNEIDER of
Penobscot, Representatives: CRESSEY of Cornish, VALENTINO
of Saco.

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

Sent down for concurrence.

Bill "An Act To Adopt a Flat Corporate Income Tax"
S.P. 174 L.D. 562

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Increase the Property Tax Exemption for Certain Veterans and Surviving Spouses"
S.P. 178 L.D. 566

Sponsored by Senator RAYE of Washington.
Cosponsored by Senator SCHNEIDER of Penobscot, Representative MILLS of Farmington, Representative PIOTTI of Unity and Senators: HASTINGS of Oxford, NASS of York, PERRY of Penobscot, WESTON of Waldo, Representatives: EMERY of Cutler, KNIGHT of Livermore Falls, LANSLEY of Sabattus, SAVIELLO of Wilton.

Bill "An Act To Expand Tax Incentives for Conservation Easements"
S.P. 179 L.D. 567

Sponsored by Senator NASS of York.
Cosponsored by Representative KOFFMAN of Bar Harbor.

Bill "An Act To Reduce Maine's Income Tax Rates by 50 Percent"
S.P. 181 L.D. 569

Sponsored by Senator SMITH of Piscataquis.
Cosponsored by Representative CLARK of Millinocket and Senators: MILLS of Somerset, NUTTING of Androscoggin, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, Representatives: FITTS of Pittsfield, HANLEY of Gardiner, RECTOR of Thomaston, SAVIELLO of Wilton.

Bill "An Act To Authorize a Local Option Sales Tax To Reduce Property Taxes"
S.P. 182 L.D. 570

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Senators: DAMON of Hancock, PERRY of Penobscot, Representatives: JACKSON of Allagash, WATSON of Bath.

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

Sent down for concurrence.

Bill "An Act To Amend the Motor Vehicle Laws"
S.P. 168 L.D. 513

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and Senator: SAVAGE of Knox, Representatives: CEBRA of Naples, FISHER of Brewer, MILLS of Farmington, THOMAS of Ripley.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Resolve, To Direct the Department of Transportation To Establish a Rest Area on U.S. Route 9 between Calais and Brewer
S.P. 173 L.D. 561

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative EMERY of Cutler and Senator: TURNER of Cumberland, Representatives: McFADDEN of Dennysville, PERRY of Calais, TIBBETTS of Columbia.

Bill "An Act To Waive Tolls on the Maine Turnpike for People Who Are Traveling for Treatment of Catastrophic Illnesses"
S.P. 183 L.D. 592

Sponsored by Senator SAVAGE of Knox.
Cosponsored by Representative RICHARDSON of Warren and Representatives: MAZUREK of Rockland, ROSEN of Bucksport.

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

Sent down for concurrence.

Resolve, To Establish a Second Public Safety Answering Point for Kennebec County (EMERGENCY)
S.P. 184 L.D. 593

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and Representatives: CONOVER of Oakland, FLETCHER of Winslow, TRINWARD of Waterville.

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

Sent down for 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 (2/1/07) Assigned matter:

Bill "An Act To Prevent Additional Housing Charges for Persons Requiring In-home Care"
S.P. 162 L.D. 475

Tabled - February 1, 2007, by Senator **MITCHELL** of Kennebec

Pending - **REFERENCE**

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

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

Sent down for 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 Regarding the Certification of the Required Driving Time for a License for Certain Persons under 21 Years of Age" (EMERGENCY)

H.P. 362 L.D. 478

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-4)**, without reference to a Committee.

READ ONCE, without reference to a Committee.

Committee Amendment "A" (H-4) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-4)**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

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

Senator **BROMLEY** 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.

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

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

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/1/07) Assigned matter:

Bill "An Act To Improve the Driver Education and Evaluation Programs"

H.P. 303 L.D. 387

Tabled - February 1, 2007, by Senator **BRANNIGAN** of Cumberland

Pending - **REFERENCE**

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

(In House, January 30, 2007, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, until Thursday, February 8, 2007, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Charles Begley of Waldoboro.