

# 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  
February 15, 2007

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

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Prayer by Senator Richard A. Nass of York County.

**SENATOR NASS:** Good morning. Would you me join in a short prayer? Father in Heaven, we pray for the people of our state who are suffering in deep snow and ice-covered highways. Protect them, especially the travelers among them. You have never ceased helping us by sending us brothers and sisters whose love for You and us have made them dynamos of courage and conviction. Such a one was Abraham Lincoln, whose birthday we celebrated two days ago. Thank You for him and let us be better prepared because of him. Lead us forth this day to answer every challenge and give us the humility to know when the correct answer is 'I don't know.' Amen.

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Reading of the Journal of Tuesday, February 13, 2007.

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Doctor of the day, Katherine Pope, MD of Cumberland Foreside.

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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. 236

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 27, 2007, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:00 this morning, in the Hall of the House for the purpose of extending to the Honorable Terrance J. MacTaggart, Chancellor of the University of Maine System, and the Honorable John Fitzsimmons, President of the Maine Community College System, an invitation to attend and to make such communication as pleases them.

**READ and PASSED.**

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

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

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PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Protect Minors from Certain Bill Collectors"  
H.P. 96 L.D. 104

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

In Senate, February 8, 2007, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

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

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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Non-Concurrent Matter

Bill "An Act To Allow for Corporate Ownership of Dental Practices"  
H.P. 431 L.D. 553

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

In House, February 6, 2007, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

In Senate, February 8, 2007, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

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

On motion by Senator **HOBBINS** of York, the Senate **RECEDED** and **CONCURRED**.

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**House Papers**

Resolve, To Assist Veterans in Need of Shelter  
H.P. 511 L.D. 662

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

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

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

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Resolve, Establishing the Commission To Improve Certain  
Aspects of the Citizen Initiative Process (EMERGENCY)  
H.P. 530 L.D. 699

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

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

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**COMMUNICATIONS**

The Following Communication: S.C. 69

**MAINE'S PUBLIC UNIVERSITIES  
UNIVERSITY OF MAINE SYSTEM  
16 CENTRAL STREET  
BANGOR, ME 04401-5106**

January 29, 2007

The Honorable Beth G. Edmonds  
President of the Senate  
Station 3 State House  
Augusta, ME 04333

Dear President Edmonds:

Thank you for your invitation to address the 123<sup>rd</sup> Maine State  
Legislature on Thursday, February 15, 2007 at 11:00 a.m. I am  
honored to be invited and am pleased to accept the invitation.

As you know, Maine's public universities are essential and  
valuable contributors to Maine's economy and quality of life. I  
look forward to updating you and your colleagues on the state of  
the University of Maine System when the Legislature holds its  
Joint Session on the 15<sup>th</sup>.

Sincerely,

S/Terrence J. MacTaggart  
Chancellor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 70

**MAINE COMMUNITY COLLEGE SYSTEM  
OFFICE OF THE PRESIDENT  
323 STATE STREET  
AUGUSTA, MAINE 04330-7131**

January 19, 2007

The Honorable Beth G. Edmonds  
President of the Senate  
123<sup>rd</sup> Maine Legislature  
Station 3 State House  
Augusta, ME 04333-0003

The Honorable Glenn Cummings  
Speaker of the House  
123<sup>rd</sup> Maine Legislature  
2 State House Station  
Augusta, ME 04333-0002

Dear President Edmonds and Speaker Cummings:

Thank you for your letter of January 16, 2007, inviting me to  
address a Joint Session of the 123<sup>rd</sup> Maine Legislature on  
Thursday, February 15<sup>th</sup>. On behalf of Maine's Community  
College trustees, employees and students, it is with great pride  
that I accept your kind invitation. I look forward to sharing with  
you my thoughts on the state of the Maine Community College  
System.

Thank you again for your invitation.

Sincerely yours,

S/John Fitzsimmons  
President

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Authorize a General Fund Bond Issue for  
Affordable Rental Housing"

S.P. 237 L.D. 777

Sponsored by President EDMONDS of Cumberland.  
Cosponsored by Representative ADAMS of Portland and  
Senators: BRANNIGAN of Cumberland, BROMLEY of  
Cumberland, Representatives: KOFFMAN of Bar Harbor, RAND  
of Portland.

Bill "An Act To Provide Essential Library Resources to All Maine Communities"

S.P. 242 L.D. 793

Sponsored by President EDMONDS of Cumberland.  
Cosponsored by Representative CROCKETT of Augusta and  
Senators: MITCHELL of Kennebec, ROSEN of Hancock,  
ROTUNDO of Androscoggin, Representatives: ADAMS of  
Portland, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of  
Portland, TARDY of Newport.

Bill "An Act To Enhance the Maine State Grant Program"  
S.P. 249 L.D. 800

Sponsored by Senator MITCHELL of Kennebec.  
Cosponsored by Speaker CUMMINGS of Portland and Senators:  
ROSEN of Hancock, TURNER of Cumberland, Representatives:  
CAIN of Orono, EBERLE of South Portland, FISCHER of Presque  
Isle, HASKELL of Portland, RECTOR of Thomaston, STRANG  
BURGESS of Cumberland.

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 Strengthen Rural Community Investment"  
S.P. 239 L.D. 790

Sponsored by Senator RAYE of Washington.  
Cosponsored by Representative PIOTTI of Unity and Senators:  
BENOIT of Sagadahoc, BROMLEY of Cumberland, BRYANT of  
Oxford, COURTNEY of York, DAMON of Hancock, DIAMOND of  
Cumberland, DOW of Lincoln, President EDMONDS of  
Cumberland, GOOLEY of Franklin, HASTINGS of Oxford,  
MARTIN of Aroostook, McCORMICK of Kennebec, MILLS of  
Somerset, MITCHELL of Kennebec, NUTTING of Androscoggin,  
ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of  
Aroostook, SMITH of Piscataquis, SNOWE-MELLO of  
Androscoggin, STRIMLING of Cumberland, TURNER of  
Cumberland, WESTON of Waldo, Representatives: AYOTTE of  
Caswell, BROWNE of Vassalboro, BRYANT of Windham, CAIN  
of Orono, CARTER of Bethel, CLARK of Millinocket, CLEARY of  
Houlton, CRAY of Palmyra, CROSTHWAITE of Ellsworth,  
Speaker CUMMINGS of Portland, CURTIS of Madison,  
DUCHESNE of Hudson, FAIRCLOTH of Bangor, FINLEY of  
Skowhegan, FISCHER of Presque Isle, FITTS of Pittsfield,  
FLOOD of Winthrop, GIFFORD of Lincoln, GILES of Belfast,  
GOULD of South Berwick, HOLMAN of Fayette, JACKSON of  
Allagash, JOY of Crystal, KOFFMAN of Bar Harbor, LORING of  
the Penobscot Nation, MacDONALD of Boothbay, MAZUREK of  
Rockland, McFADDEN of Dennyville, McLEOD of Lee, MILLER  
of Somerville, MILLETT of Waterford, MILLS of Farmington,  
MUSE of Fryeburg, PERCY of Phippsburg, PERRY of Calais,  
PIEH of Bremen, PINGREE of North Haven, RECTOR of  
Thomaston, SAVIELLO of Wilton, SCHATZ of Blue Hill, SMITH of  
Monmouth, TARDY of Newport, TIBBETTS of Columbia,  
WATSON of Bath.

Bill "An Act To Provide Representation by a Mechanic or Installer  
on the Manufactured Housing Board"

S.P. 243 L.D. 794

Sponsored by Senator HASTINGS of Oxford.  
Cosponsored by Representative HAMPER of Oxford and  
Senators: DOW of Lincoln, HOBBS of York, Representatives:  
CEBRA of Naples, HAYES of Buckfield, MILLETT of Waterford,  
SIROIS of Turner, SYKES of Harrison.

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

Sent down for concurrence.

---

Bill "An Act To Enhance the Qualifications for a Concealed  
Firearms Permit"

S.P. 238 L.D. 778

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Senator: STRIMLING of Cumberland,  
Representatives: FLOOD of Winthrop, WOODBURY of Yarmouth.

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 Ensure Equitable Geographic Representation on  
the State Board of Education"

S.P. 240 L.D. 791

Sponsored by Senator RAYE of Washington.  
Cosponsored by Representative SUTHERLAND of Chapman and  
Senators: BOWMAN of York, MILLS of Somerset, SCHNEIDER  
of Penobscot, WESTON of Waldo, Representatives: EDGEComb  
of Caribou, McFADDEN of Dennyville, PINGREE of North  
Haven, TARDY of Newport.

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 Concerning Postpartum Mental Health Education"  
S.P. 241 L.D. 792

Sponsored by Senator SULLIVAN of York.  
Cosponsored by Representative PENDLETON of Scarborough  
and Senators: BOWMAN of York, President EDMONDS of  
Cumberland, MARRACHÉ of Kennebec, Representatives:  
HAYES of Buckfield, PERRY of Calais, PRATT of Eddington,  
SUTHERLAND of Chapman, TRINWARD of Waterville.

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 Prohibit the Use of Motorized Watercraft on Lily  
Pond in Deer Isle"

S.P. 248 L.D. 799

Sponsored by Senator DAMON of Hancock.  
Cosponsored by Representative PINGREE of North Haven.

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

Sent down for concurrence.

---

Bill "An Act To Conform State Law with Federal Law Regarding  
Bankruptcy Exemptions"

S.P. 246 L.D. 797

Sponsored by Senator SULLIVAN of York.  
Cosponsored by Representative McKANE of Newcastle and  
Senator: BOWMAN of York, Representatives: RICHARDSON of  
Warren, VAUGHAN of Durham.

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

Sent down for concurrence.

---

Bill "An Act To Create the Endangered or Threatened Marine  
Species Fund"

S.P. 245 L.D. 796

Sponsored by Senator DAMON of Hancock.  
Cosponsored by Representative PERCY of Phippsburg.  
Submitted by the Department of Marine Resources pursuant to  
Joint Rule 204.

Bill "An Act To Standardize Inshore Dragging Seasons for  
Scallops and Sea Cucumbers"

S.P. 247 L.D. 798

Sponsored by Senator DAMON of Hancock.  
Cosponsored by Representative PERCY of Phippsburg.

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

Sent down for concurrence.

---

Bill "An Act To Extend the Solar Energy Rebate Program"  
S.P. 244 L.D. 795

Sponsored by Senator BENOIT of Sagadahoc.  
Cosponsored by Representative PRESCOTT of Topsham and  
Senators: BARTLETT of Cumberland, RAYE of Washington,  
SNOWE-MELLO of Androscoggin, Representatives:  
BLANCHARD of Old Town, FLETCHER of Winslow, HINCK of  
Portland, HOLMAN of Fayette.

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

Sent down for concurrence.

---

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

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At this point a message was received from the House of  
Representatives, borne by Representative PINGREE of North  
Haven informing the Senate that the House concurred with the  
proposition for a Convention of the two branches of the  
Legislature to be held in the Hall of the House at 11:00 in the  
morning for the purpose of extending to the Honorable Terrence  
MacTaggart, Chancellor of the University of Maine System and  
the Honorable John Fitzsimmons, President of the Maine College  
System, an invitation to attend the Convention and make such  
communications as pleases them.

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## REPORTS OF COMMITTEES

### Senate

#### Ought to Pass

Senator SULLIVAN for the Committee on **INSURANCE AND  
FINANCIAL SERVICES** on Bill "An Act To Modify the Laws  
Regarding Garnishment of Wages"

S.P. 69 L.D. 231

Reported that the same **Ought to Pass**.

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To List the Shortnose Sturgeon as a Marine Endangered Species"

S.P. 48 L.D. 140

Reported that the same **Ought to Pass**.

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

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

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## 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 (2/8/07) Assigned matter:

Bill "An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife"

H.P. 455 L.D. 588

Tabled - February 8, 2007, by Senator **HOBBINS** of York

Pending - **REFERENCE**

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

(In House, February 6, 2007, **REFERRED** to the Committee on **JUDICIARY**.)

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

The Chair laid before the Senate the following Tabled and Later (2/8/07) Assigned matter:

Bill "An Act To Provide Funding for Transitional Employment Training Opportunities for Persons with Mental Illness"

H.P. 506 L.D. 657

Tabled - February 8, 2007, by Senator **BRANNIGAN** of Cumberland

Pending - **REFERENCE**

(In House, February 8, 2007, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later (2/13/07) Assigned matter:

Bill "An Act To Amend the Accord and Satisfaction Laws To Add Juveniles"

S.P. 226 L.D. 709

Tabled - February 13, 2007, by Senator **HOBBINS** of York

Pending - **REFERENCE**

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

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

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later (2/13/07) Assigned matter:

Bill "An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones"

H.P. 540 L.D. 719

Tabled - February 13, 2007, by Senator **BROMLEY** of Cumberland

Pending - **REFERENCE**

(In House, February 13, 2007, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later (2/13/07) Assigned matter:

Bill "An Act To Repeal the Tax on Private Nonmedical Institutions"  
H.P. 534 L.D. 703

Tabled - February 13, 2007, by Senator **BRANNIGAN** of  
Cumberland

Pending - **REFERENCE**

(Committee on **TAXATION**, suggested and ordered printed.)

(In House, February 13, 2007, **REFERRED** to the Committee on  
**HEALTH AND HUMAN SERVICES**.)

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED**  
to the Committee on **APPROPRIATIONS AND FINANCIAL**  
**AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

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

JOINT ORDER - Expression of Legislative Sentiment  
Recognizing Barry Cote, of Augusta, on the occasion of his  
retirement.

SLS 39

Tabled - February 13, 2007, by Senator **MITCHELL** of Kennebec

Pending - motion by same Senator to **PASS**

(In Senate, 3/13/07, **READ**.)

**READ.**

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

Senator **MITCHELL:** Thank you, Madame President and  
distinguished members of the Senate. It is an extraordinary  
pleasure for me, but a sad one as well, to congratulate Barry Cote  
on his retirement. I know he's looking forward to it, but I know all  
of us in this Chamber appreciate the work. Imagine cleaning up  
after all of us for all of those years. He's done an extraordinary  
job and the State of Maine is very proud of his service. I know  
you will join me in wishing him a very happy retirement.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear  
of the Chamber Barry Cote of Augusta. Would he please rise and  
receive the greetings of the Maine Senate.

---

The Chair laid before the Senate the following Tabled  
Unassigned matter:

Bill "An Act To Ensure That Pine Tree Development Zone  
Benefits Are Not Extended to Businesses That Compete with  
Existing Maine Businesses"

S.P. 235 L.D. 768

Tabled - February 13, 2007, by Senator **BROMLEY** of  
Cumberland

Pending - **REFERENCE**

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

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

Sent down for concurrence.

---

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

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

#### **COMMUNICATIONS**

The Following Communication: S.C. 71

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

February 13, 2007  
Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that  
the Joint Standing Committee on Business, Research and  
Economic Development has voted unanimously to report the  
following bill out "Ought Not to Pass":



L.D. 30      Resolve, To Decrease Landfill Costs and  
Protect the Environment through a Beverage  
Container Reuse Program

We have also notified the sponsor and cosponsors of the  
Committee's action.

Sincerely,

S/Sen. Lynn Bromley  
Senate Chair

S/Rep. Nancy E. Smith  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON  
FILE.**

---

The Following Communication:      S.C. 72

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON LABOR**

February 13, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that  
the Joint Standing Committee on Labor has voted unanimously to  
report the following bill out "Ought Not to Pass":

L.D. 124      An Act To Allow the Recovery of Reasonable  
Attorney's Fees

We have also notified the sponsor and cosponsors of the  
Committee's action.

Sincerely,

S/Sen. Ethan Strimling  
Senate Chair

S/Rep. John L. Tuttle, Jr.  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON  
FILE.**

---

The Following Communication:      S.C. 73

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 13, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that  
the Joint Standing Committee on State and Local Government  
has voted unanimously to report the following bill out "Ought Not  
to Pass":

L.D. 110      An Act To Require an Independent Audit of  
State Government Every 4 Years

We have also notified the sponsors and cosponsors of the  
Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider  
Senate Chair

S/Rep. Christopher R. Barstow  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON  
FILE.**

---

The Following Communication:      S.C. 74

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON TAXATION**

February 13, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that  
the Joint Standing Committee on Taxation has voted unanimously  
to report the following bills out "Ought Not to Pass":

L.D. 31      An Act To Fund Alcohol and Tobacco Addiction  
Treatment Programs BY REQUEST

L.D. 302      An Act To Create an Alternative Fuel Vehicle  
Income Tax Credit and an Alternative Fuel  
Vehicle Rebate

We have also notified the sponsor and cosponsors of the  
Committee's action.

Sincerely,

S/Sen. Joseph C. Perry  
Senate Chair

S/Rep. John F. Piotti  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON  
FILE.**

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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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Senator **MARRACHÉ** of Kennebec was granted unanimous  
consent to address the Senate off the Record.

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At this point, the Senate retired to the Hall of the House, where a  
Joint Convention was formed.

After Convention  
In Senate Chamber  
Senate called to order by the President

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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 Establish a New Method of Determining the State  
Budget"

H.P. 598 L.D. 782

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

On motion by Senator **MARTIN** of Aroostook, **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 Paper**

Bill "An Act To Clarify That Senior Lifetime Hunting Licenses  
Include the Right To Hunt Turkey"  
H.P. 599 L.D. 783

Comes 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.

---

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Remove Clergy as Signatories on Marriage  
Licenses"  
H.P. 595 L.D. 779

Comes 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 Enhance the Natural Resources Protection Laws"  
H.P. 600 L.D. 784

Comes 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**

Bill "An Act To Promote Green Power Use at State Buildings"  
H.P. 601 L.D. 785

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Enhance Redevelopment of Mill Buildings"  
H.P. 596 L.D. 780

Bill "An Act To Establish the Maine Land Bank and Community Preservation Program"  
H.P. 602 L.D. 786

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership  
H.P. 603 L.D. 787

Bill "An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund"  
H.P. 604 L.D. 788

Bill "An Act To Decrease the Excise Tax Imposed on Motor Vehicles"  
H.P. 605 L.D. 789

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government 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. 597 L.D. 781

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**

**Pursuant to Statute  
Maine State Retirement System**

The **Maine State Retirement System**, pursuant to the Maine Revised Statutes, Title 5, section 17103, subsection 13 asked leave to report that the accompanying Bill "An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008" (EMERGENCY)  
H.P. 594 L.D. 776

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

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** 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:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide for the Nonpartisan Election of County Commissioners"

H.P. 121 L.D. 129

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

SCHNEIDER of Penobscot  
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham  
BOLAND of Sanford  
WEAVER of York  
BEAUDETTE of Biddeford  
SIROIS of Turner  
CURTIS of Madison  
JOY of Crystal  
HAYES of Buckfield  
COTTA of China

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

BENOIT of Sagadahoc

Representative:

SCHATZ of Blue Hill

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

#### COMMUNICATIONS

The Following Communication: S.P. 254

#### STATE OF MAINE 123<sup>RD</sup> MAINE LEGISLATURE

February 13, 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 the 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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Out of order and under suspension of the Rules, the Senate considered the following:

#### COMMUNICATIONS

The Following Communication: S.P. 255

#### STATE OF MAINE 123<sup>RD</sup> MAINE LEGISLATURE

February 13, 2007

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

Dear Senator Bartlett and Representative Bliss:

Please be advised that Governor John E. Baldacci has nominated Richard Davies of Hallowell for appointment as Public Advocate.

Pursuant to M.R.S.A. Title 35-A §1701, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

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

Sent down for concurrence.

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

\_\_\_\_\_  
On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 27, 2007, at 10:00 in the morning.

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

**COMMUNICATIONS**

The Following Communication: S.P. 256

**STATE OF MAINE**  
**123<sup>RD</sup> MAINE LEGISLATURE**

February 14, 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:

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

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.