

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
March 15, 2007

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

Prayer by Reverend Frank J. Murray of Sacred Heart, Saint Louis and Saint Philip Catholic Churches of Auburn, Saint Catherine Catholic Church of Norway and Our Lady of Ransom in Mechanic Falls.

REVEREND MURRAY: Let us pray. Loving God, we gather on this day to continue the challenging work You have entrusted to us. At times our work seems daunting and beyond our individual abilities, yet we know we are not alone. You have graced us with Your spirit and with each other. You have the ability to bring us together. We pray today, on the eve of the eve of St. Patrick's Day, which is a time so special to so many of us, that You will give us also a measure of the determination, fortitude, wisdom, and compassion You gave St. Patrick to help us accomplish Your will. Let us, like Patrick of Ireland, accept these virtues with humility and generosity and let us work together for the common good of the people of the state of Maine. May the spirit, traditions, and commitments of Patrick of Ireland be an example to us and motivate us this day with joy and happiness and may our accomplishments be blessed. We make this prayer in Your name. Amen.

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

Doctor of the day, M. Louisa Barnhart, MD of China.

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. 490

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 20, 2007, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

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

In House, February 13, 2007, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

In Senate, March 1, 2007, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

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

On motion by Senator **MARRACHÉ** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Provide Firearms Safety Instruction for Adolescents"
S.P. 326 L.D. 1009

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

In Senate, March 6, 2007, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts"
S.P. 388 L.D. 1200

In Senate, March 8, 2007, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **ADHERED**.

Sent down for concurrence.

House Papers

Bill "An Act To Amend Certain Harness Racing Laws"
H.P. 914 L.D. 1296

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

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities

H.P. 931 L.D. 1323

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

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

Resolve, To Establish the William Silliker Memorial Wildlife Watching Area

H.P. 826 L.D. 1133

Comes 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.

Bill "An Act To Amend the Maine Liquor Liability Act"
H.P. 818 L.D. 1125

Comes 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.

Bill "An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative"

H.P. 808 L.D. 1090

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

Comes from the House, **REFERRED** to the Committees on **NATURAL RESOURCES** and **UTILITIES AND ENERGY**.

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

Bill "An Act To Require Posting of the State's Debt"
H.P. 869 L.D. 1227

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

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

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

Bill "An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature"

H.P. 930 L.D. 1322

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

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

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

Sent down for concurrence.

Bill "An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals"

H.P. 944 L.D. 1335

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

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

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

Sent down for concurrence.

Joint Resolutions

The following Joint Resolution:

H.P. 940

**JOINT RESOLUTION ESTABLISHING MARCH 11TH TO
MARCH 17TH, 2007 AS SLEEP DISORDER AWARENESS
WEEK**

WHEREAS, the field of sleep disorders has taken on increased interest in recent years, among both doctors and patients, since sleep plays an extremely important role in people's everyday lives, affecting physical health, emotional well-being, mental abilities, productivity and performance; and

WHEREAS, recent studies associate lack of sleep with serious health problems, including increased risk of depression, obesity, cardiovascular disease and diabetes; and

WHEREAS, sleep disorders are more prevalent in the United States today than at any other time in this country's history, with nearly half of Americans experiencing problems with sleeping; and

WHEREAS, the National Institutes of Health estimates that sleep disorders cost \$15,000,000,000 in health care expenses and \$50,000,000,000 in lost productivity annually; and

WHEREAS, due to advances in the science of sleep medicine, help is available for those who suffer from both common and rare sleep disorders, 81 of which are recognized by the American Academy of Sleep Medicine; and

WHEREAS, insomnia is a classification of sleep disorders that causes a person to have difficulty falling or staying asleep or to wake up too early and is suffered by 30% of the United States population; and

WHEREAS, a person with insomnia may feel tired during the day, have trouble concentrating at work or fall asleep during the day; and

WHEREAS, for most people, insomnia lasts only a few days and goes away without treatment, but stress or depression can cause a higher level of insomnia that may last for several weeks and may not go away on its own; and

WHEREAS, sleep apnea is a sleep-related breathing disorder that causes a person's body to stop breathing during sleep, the most common type of sleep apnea being obstructive sleep apnea; and

WHEREAS, obstructive sleep apnea occurs when the tissue in the back of the throat collapses and blocks the airway, which

prevents air from getting into the lungs; this is a serious medical disorder that afflicts an estimated 15,000,000 to 20,000,000 Americans as well as millions more who remain undiagnosed and untreated; and

WHEREAS, while the effects of sleep apnea, including daytime sleepiness, decreased alertness and trouble concentrating as well as increased risk of stroke, diabetes and heart disease, are real and severe, there are safe and effective treatments available for those who have sleep apnea; and

WHEREAS, some people with sleep apnea may benefit from surgery, although scientific evidence suggests that continuous positive airway pressure is the best treatment for sleep apnea. Continuous positive airway pressure provides a steady stream of pressurized air to patients through a mask that they wear during sleep, which keeps the airway open, preventing pauses in breathing and restoring normal oxygen levels; and

WHEREAS, restless leg syndrome causes an unpleasant prickling or tingling in the legs, particularly in the calves, that creates a need to stretch or move the legs to rid the sufferer of these uncomfortable or painful sensations; and

WHEREAS, restless leg syndrome makes it very difficult for a person to rest or fall asleep, so much so that the total sleep time a sufferer gets is lower than with almost any other sleep disorder; and

WHEREAS, many people endure the suffering associated with sleep disorders for many years before seeking medical attention, which delays their treatment and their recovery; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to establish the week of March 11th to March 17th, 2007 as Sleep Disorder Awareness Week and we recommend and urge citizens, health agencies, schools and other suitable organizations and groups to be aware of the seriousness of sleep disorders and we recommend and urge all people affected to consult with professionals.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 983

**JOINT RESOLUTION COMMEMORATING THE HOLOCAUST
AND HUMAN RIGHTS CENTER'S LEGISLATIVE AWARENESS
DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE OF
THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, March 14, 2007 has been designated as the Holocaust and Human Rights Center's Legislative Awareness Day; and

WHEREAS, April 15, 2007 has been designated internationally as a Day of Remembrance of the Victims of the Holocaust and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 15th to April 22nd as the Days of Remembrance of the Victims of the Holocaust, with "Children in Crisis: Voices from the Holocaust" as the focus for the 2007 observance; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center's Legislative Awareness Day and the week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., and the Maine Congressional Delegation, on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 119

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

March 14, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Andrew M. Mead of Bangor, for appointment as a Supreme Judicial Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	10	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Holman of Fayette, Jacobsen of Waterboro, Mills of Farmington, Nass of Acton

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Andrew M. Mead of Bangor, for appointment as a Supreme Judicial Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#28)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, PLOWMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Andrew M. Mead** of Bangor, for appointment as a Supreme Judicial Court Justice was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Honorable Andrew Mead of Bangor. Would he please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 108

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

March 9, 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 3, §227, I am pleased to appoint Senator Roger L. Sherman of Aroostook County to the Maine Canadian Legislative Advisory Commission. He will be replacing Honorable Richard Kneeland of Easton.

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. 109

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

March 9, 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 5, §3358, I am pleased to appoint Senator Roger L. Sherman of Aroostook County to the Maine Criminal Justice Commission. He will be replacing Honorable Paul Davis of Sangerville.

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. 118

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

March 14, 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 appoint Jacqueline Worthing of Belgrade to the Advisory Committee on Family Development Accounts, as a member who is an account holder or eligible to be an account holder.

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. 110

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 8, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 185 An Act To Prohibit Certain Uses of
Monosodium Glutamate

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 111

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

March 8, 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. 385 An Act To Require Stable Gasoline Pricing

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. 112

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 8, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

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

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Troy D. Jackson
House Chair

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

The Following Communication: S.C. 114

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 8, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 234 | An Act To Amend the Laws Concerning the Assessment of Rates for Workers' Compensation |
| L.D. 278 | Resolve, To Assess the Feasibility and Efficiency of Combining All Health Insurance Funds Supported by the State |
| L.D. 388 | An Act Concerning Insurance for Churches and Nonprofit Organizations |

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. John R. Brautigam
House Chair

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

The Following Communication: S.C. 115

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

March 8, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 115 | An Act To Recognize the Metis Eastern Tribal Indian Society of Maine |
| L.D. 581 | An Act To Amend the Laws Pertaining to Improvident Transfers |

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 116

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

March 8, 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 bills out "Ought Not to Pass":

L.D. 105 An Act To Promote Hiring of Seasonal Workers

L.D. 619 An Act To Require All State Employees To Carry State Health Insurance

We have also notified the sponsors and cosponsors of each bill listed 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. 113

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

March 8, 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 bills out "Ought Not to Pass":

L.D. 510 An Act To Amend the Membership of the Advisory Council on Tax-deferred Arrangements

L.D. 622 Resolve, To Study the Need for and Placement of a Child Care Center in or near the State House Complex

We have also notified the sponsors and cosponsors of each bill listed 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. 117

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

March 8, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 113 An Act To Establish a Recreational Vehicle Veterans Registration Plate

L.D. 235 An Act To Allow a Person To Be Issued More than One Set of Disabled Veteran Registration Plates

L.D. 299 An Act To Aid Municipalities Concerning Plowing Efficiency

L.D. 381 An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered

L.D. 438 Resolve, To Improve Driver Education Programs

L.D. 442 An Act To Amend the Laws Pertaining to Advertisements on Motor Vehicles Used in Driver Education

L.D. 494 An Act To Repeal the Motor Vehicle Inspection Laws

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

SENATE PAPERS

Bill "An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group" (EMERGENCY)
S.P. 497 L.D. 1419

Sponsored by Senator MARTIN of Aroostook. (GOVERNOR'S BILL)
Cosponsored by Representative PIEH of Bremen and Senators: NUTTING of Androscoggin, SHERMAN of Aroostook, Representatives: EBERLE of South Portland, EDGECOMB of Caribou, JACKSON of Allagash, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill, MAREAN of Hollis.

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 Protect Maine Rivers and To Authorize a General Fund Bond Issue"

S.P. 483 L.D. 1395

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative EBERLE of South Portland and Senators: DAMON of Hancock, President EDMONDS of Cumberland, MARTIN of Aroostook, MILLS of Somerset, ROTUNDO of Androscoggin, Representatives: HINCK of Portland, KOFFMAN of Bar Harbor, WAGNER of Lewiston.

Bill "An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services"
S.P. 502 L.D. 1435

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Human Services for Promoting Permanency and Safety for Children (EMERGENCY)

S.P. 484 L.D. 1396

Sponsored by Senator WESTON of Waldo.
Cosponsored by Senator MARRACHÉ of Kennebec.

Bill "An Act To Enable Restaurants To Allow Dogs In Outdoor Portions of Those Establishments"
S.P. 486 L.D. 1398

Sponsored by Senator PERRY of Penobscot.

Bill "An Act To Provide Patients with Their Medication"
S.P. 496 L.D. 1418

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative SAVIELLO of Wilton and Senators: BRANNIGAN of Cumberland, DAMON of Hancock, Representatives: GROSE of Woolwich, JACKSON of Allagash, MILLER of Somerville, WALCOTT of Lewiston, WEBSTER of Freeport.

Resolve, To Remove Barriers to Smoking Cessation Treatment in Maine

S.P. 499 L.D. 1421

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative PRIEST of Brunswick and Representatives: BRAUTIGAM of Falmouth, CROCKETT of Augusta, FAIRCLOTH of Bangor.

Bill "An Act To Review Prescription Drug Prior Authorization under MaineCare"

S.P. 504 L.D. 1437

Sponsored by Senator MILLS of Somerset.

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 Prohibiting Delivery of Unsolicited Credit Cards"
S.P. 489 L.D. 1401

Sponsored by Senator BOWMAN of York.

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

Sent down for concurrence.

Bill "An Act Regarding the Right of a Person To Appeal from the Action of a State Agency"

S.P. 493 L.D. 1415

Sponsored by Senator DAMON of Hancock.

Bill "An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens"

S.P. 501 L.D. 1423

Sponsored by Senator MITCHELL of Kennebec.

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

Sent down for concurrence.

Bill "An Act To Create a Workers' Compensation Board Appeals Process"

S.P. 494 L.D. 1416

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative JACKSON of Allagash and Representatives: CLARK of Millinocket, JOY of Crystal, TUTTLE of Sanford.

Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees

S.P. 503 L.D. 1436

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Reverse the Effects of the Grant Case on Workers' Compensation"

S.P. 505 L.D. 1438

Sponsored by Senator MILLS of Somerset. (BY REQUEST)

Bill "An Act To Enhance the Workers' Compensation Board Advocate Program"

S.P. 506 L.D. 1439

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative CRESSEY of Cornish and Senators: BARTLETT of Cumberland, DOW of Lincoln, STRIMLING of Cumberland, Representatives: CLARK of Millinocket, HOLMAN of Fayette, TUTTLE of Sanford.

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

Sent down for concurrence.

Bill "An Act To Allow Nonprofit Organizations and Indian Tribes To Sponsor Texas Hold 'Em Tournaments"

S.P. 485 L.D. 1397

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CROCKETT of Augusta and Senator: MARRACHÉ of Kennebec, Representative: SILSBY of Augusta.

Bill "An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License"

S.P. 500 L.D. 1422

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative CEBRA of Naples and Senator: HASTINGS of Oxford.

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 Amend the Definition of 'Territorial Waters' and Study Maine's Coastal Policies"

S.P. 498 L.D. 1420

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 Assist in the Cleanup of Waste Motor Oil Disposal Sites"

S.P. 495 L.D. 1417

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative TARDY of Newport and Senators: BARTLETT of Cumberland, ROSEN of Hancock, Representative: KOFFMAN of Bar Harbor.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing the Taxation of Partnerships"

S.P. 488 L.D. 1400

Sponsored by Senator PERRY of Penobscot.

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

Sent down for concurrence.

Resolve, To Ensure the Safety of Roads with High Volumes of Traffic

S.P. 487 L.D. 1399

Sponsored by Senator HOBBS of York.
Cosponsored by Representatives: HOGAN of Old Orchard Beach, VALENTINO of Saco.

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

Sent down for concurrence.

Pursuant to Statutes
Commission on Governmental Ethics and Election Practices

Senator MARRACHÉ for the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 1, section 1007 asked leave to report that the accompanying Bill "An Act Regarding Lobbyist Disclosure"
S.P. 481 L.D. 1393

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

Report READ and ACCEPTED.

On motion by Senator MARRACHÉ of Kennebec, REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

Pursuant to Statutes
Commission on Governmental Ethics and Election Practices

Senator MARRACHÉ for the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 1, section 1009 asked leave to report that the accompanying Bill "An Act Regarding Campaign Finance Disclosure by Political Action Committees"
S.P. 482 L.D. 1394

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

Report READ and ACCEPTED.

On motion by Senator MARRACHÉ of Kennebec, REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The following members of the Cony High School Girls Basketball Team, of Augusta, on their winning the 2007 Class A State Championship: players Shelby Pelkey, Allyson Cheever, Holly Parker, Anna Hall, Jessica Golden, Molly Hopkins, Ashley Pratt, Kayla Belanger, Cassie Cooper, Chelsea Arbour, Rachael Mack, Brittany Ford, Heather Pratt, Courtney Dufour and Kristi Violette; varsity Coach Paul Vachon; junior varsity coach David Hopkins; assistant coaches Roland St. Pierre, Gerard Lapierre and Sara Moody; and manager Scott McGregor; We extend our congratulations to the team on their achievement and we send them our best wishes;

SLS 79

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representatives: BROWNE of Vassalboro, CROCKETT of Augusta, SILSBY of Augusta.

READ.

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

Senator MITCHELL: Thank you, Madame President and colleagues in the Senate. Think of favorite times of winter, think of basketball games. Please forgive me if I'm bursting with pride because I have behind me not only the most talented girls basketball team in our division but they are also scholars. One of them serves on the Legislative Youth Advisory Council. They are here today soaking in the grandeur of Legislative process because they really do care and they are interested. They are just terrific kids. Eight of them are Seniors with grand plans for the future. You'll be hearing from them soon. I would be remiss if I did not recognize, in addition to these outstanding young women, their coach who is here with his seventh Gold Ball. It's an extraordinary thing and I'm sure that the Senator from Cumberland, Senator Brannigan, and the McCauley girls are very proud of us as well. We enjoy playing you and we're glad we beat you. Thank you for being with us today. They are extraordinary young women and we look forward to the next great basketball season.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Cony High School Girls Basketball Team of Augusta. I understand that Allyson Cheever is Senator Don Twitchell's granddaughter. Would they all please rise and accept the greetings of the Maine Senate.

Off Record Remarks

ORDERS

Joint Resolutions

On motion by Senator **BRANNIGAN** of Cumberland (Cosponsored by Speaker CUMMINGS of Portland and Senators: President EDMONDS of Cumberland, MARRACHÉ of Kennebec, MARTIN of Aroostook, PERRY of Penobscot, RAYE of Washington, Representatives: PERRY of Calais, PINGREE of North Haven, WALKER of Lincolnville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 492

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO FULLY FUND THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

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 and the Congress of the United States, as follows:

WHEREAS, the State of Maine and at least 13 other states have used up much of the federal subsidies for child health care even though the fiscal year is still not ended, due in part to the great need for these funds and also to the inadequate formula by which the money is apportioned; and

WHEREAS, the State Children's Health Insurance Program, known as SCHIP, was started by Congress in 1998 and is funded by a combination of federal and state funds, as well as by the premiums of participants; and

WHEREAS, the program was envisioned as a way to provide health insurance to the children of the working poor and the current budget is \$5.5 billion, which is about \$745 million short of the needs of the states; and

WHEREAS, the State of Maine has used its SCHIP funds to help significantly with MaineCare, which has provided valuable and important health care to more than 14,850 children in our State, and without additional federal aid 3,500 to 4,000 Maine children will go uninsured; and

WHEREAS, the State of Maine needs at least \$6,500,000 to help the children at risk and to keep our children healthy, and other states have needs just as important; now therefore be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the State Children's Health Insurance Program be fully funded not only for the children of the State of Maine, but for all of the children of the working poor in the United States; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President George W. Bush, the Speaker of the United States

House of Representatives, the President of the United States Senate and to each member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **MARRACHÉ** of Kennebec (Cosponsored by Representative PERRY of Calais), the following Joint Resolution:

S.P. 491

JOINT RESOLUTION ESTABLISHING MARCH AS ACCESS TO PLASMA PROTEIN THERAPIES MONTH

WHEREAS, tens of thousands of individuals across the United States are reliant upon plasma protein therapies and recombinant analogs, known as "plasma protein therapies," to treat rare life-threatening genetic and autoimmune disorders; and

WHEREAS, several hundred individuals in the State of Maine have been diagnosed with these rare disorders; and

WHEREAS, these disorders, including hemophilia and other bleeding disorders, primary immunodeficiency diseases and alpha-1 antitrypsin deficiency, are most effectively treated with plasma protein therapies; and

WHEREAS, these individuals need access to the full range of plasma protein therapies to help ensure the best possible clinical outcomes; and

WHEREAS, these individuals require access to the appropriate providers and designated centers of excellence appropriate to their health care needs; and

WHEREAS, these individuals need access to options in pharmacy services and the delivery of home-based services; and

WHEREAS, access to comprehensive care has been shown to markedly improve patient outcomes; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, designate March as Access to Plasma Protein Therapies Month, and we call upon the people of Maine to observe this month with appropriate programs and activities.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **HOBBS** of York (Cosponsored by Senators: HASTINGS of Oxford, NUTTING of Androscoggin, Representatives: BERUBE of Lisbon, BRYANT of Windham, CASAVANT of Biddeford, DILL of Cape Elizabeth, DUNN of Bangor, HOLMAN of Fayette, JACOBSEN of Waterboro, LORING of the Penobscot Nation, MILLS of Farmington, NASS of Acton, SIMPSON of Auburn), the following Joint Resolution:

S.P. 507

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week 2007 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 11-17, 2007 and confirm the basic principles of an open and accessible government in a free society, and we urge all citizens to join in this observance.

READ.

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

Senator **HOBBS:** Thank you, Madame President, men and women of the Maine Senate. A few years back, at about this same time, I was pleased to stand before you as the primary sponsor of a Joint Resolution honoring the first National Sunshine Week. This year I am pleased to once again present you a Joint Resolution honoring Sunshine Week. The public must have unfettered access to Government and activities of those in charge. Valuing the importance of access to public records and proceedings to a strong democracy, the Maine Legislature was the first in the nation to enact a Freedom of Access Law more than four decades ago. As other countries around the world continue to model the democratic form of government after ours, we must continue to serve as a role model and show the world that government and the democratic process can be open and accessible to both the public and the press. It gives me great pleasure to present to you, along with all the members of the

Judiciary Committee, this Joint Resolution recognizing Sunshine Week. Thank you very much.

On motion by Senator **HOBBS** of York, Joint Resolution **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR** on Bill "An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers"

H.P. 195 L.D. 224

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Designate the Arctic Charr as a State Heritage Fish" H.P. 147 L.D. 165

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-14).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-14).**

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

READ ONCE.

Committee Amendment "A" (H-14) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens"

H.P. 208 L.D. 274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-15).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15).**

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

READ ONCE.

Committee Amendment "A" (H-15) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes (EMERGENCY)

S.P. 105 L.D. 322

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-10).**

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

READ ONCE.

Committee Amendment "A" (S-10) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **DAMON** for the Committee on **MARINE RESOURCES** on Bill "An Act To Create the Endangered or Threatened Marine Species Fund"

S.P. 245 L.D. 796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-12).**

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

READ ONCE.

Committee Amendment "A" (S-12) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Encourage the Use of Solar Energy"
S.P. 42 L.D. 134

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-11).**

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
FLETCHER of Winslow
ADAMS of Portland
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-11) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government"
H.P. 185 L.D. 214
(C "A" H-12)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act To Correct an Inconsistency in Unemployment Insurance Tax Law"
S.P. 129 L.D. 382

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Permit Andover College To Issue Degrees under New Ownership
H.P. 205 L.D. 271

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 250: Rules Relating to Smoking in the Workplace, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Partnership for a Tobacco-free Maine
H.P. 39 L.D. 38

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Amend the Authority of a Motor Vehicle Investigator
H.P. 114 L.D. 122

An Act To Allow a Newspaper Carrier To Use Flashing Amber Lights on That Carrier's Vehicle
H.P. 155 L.D. 173

An Act Regarding Penalties for Payments Made to the State That Are Rejected by a Financial Institution
H.P. 188 L.D. 217

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Resolves

Resolve, To Designate a Portion of U.S. Route 1 in Indian Township Passamaquoddy Indian Reservation as the Captain Tomah Lewey Memorial Highway
H.P. 83 L.D. 85

Resolve, To Improve the Professional Development of County Officials
H.P. 126 L.D. 142

FINALLY PASSED and having been signed by the President were presented by the Secretary to the Governor for his approval.

All matters thus acted upon were ordered sent down forthwith 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 (3/6/07) Assigned matter:

Bill "An Act To Promote County-based Economic Development Efforts"

S.P. 324 L.D. 1007

Tabled - March 6, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**

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

(In Senate, March 6, 2007, on motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**. Subsequently, **RECONSIDERED**.)

Senator **SCHNEIDER** of Penobscot requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On further motion by same Senator, **REFERRED** to the Committees on **STATE AND LOCAL GOVERNMENT** and **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/13/07) Assigned matter:

Bill "An Act To Assist Maine Pharmacies"

S.P. 450 L.D. 1287

Tabled - March 13, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/13/07) Assigned matter:

Bill "An Act To Protect against Discrimination in Housing"
S.P. 454 L.D. 1306

Tabled - March 13, 2007, by Senator **MARRACHÉ** 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.

The Chair laid before the Senate the following Tabled and Later (3/13/07) Assigned matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

S.P. 22 L.D. 24

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 13, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report (Roll Call Ordered)

(In Senate, March 13, 2007, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President, women and men of the Senate. I just want to say to you seat belts save lives. Remember that. Here are some statistics for you to think about. In the Bureau of Highway Safety survey over 300,000 Mainers are not buckling up. Maine seat belt usage is the third lowest in the nation. Wearing a safety belt reduces the chances of being killed or seriously injured by approximately 50%. This is the motor vehicle law that is not a primary offense. Currently drivers can be stopped for having a tail light out. They can be stopped for littering. Protecting lives with safety belts, you can't be stopped. If Maine were to enact a primary safety belt law we could expect to save approximately ten lives, 155 serious injuries, and \$33 million in costs each year. In 2006 150 people died on Maine highways while in motor vehicles. That's a lot of lives. Of these 150, 55 died from not wearing their safety belts. In 2006 only 13 of 46 young Mainers, 15 to 24 years old, that died in motor vehicle crashes were reported as wearing their safety belts, just 13 of the 46 crashes. I ask you to read in your daily newspaper the reports of accidents and see how many people, fatalities and serious injuries, were not buckled up. We need to do more to save these lives. Twenty-five states, the District of

Columbia, and Puerto Rico have primary enforcement laws. Twenty-four states have secondary laws; six of them, in addition to Maine, are considering primary seat belt legislation as of January 2007.

On the day of our public hearing Tom Judge, who is the Executive Director of LifeFlight, was waiting to testify on the bill when one of his critical care teams was called out and struggled in a vain effort to save the life of a young adult ejected from a motor vehicle crash near Jackman.

There were over 20 people representing many organizations, including an emergency room doctor and a trauma physician. I'm not even going to begin to read the testimony that we heard from these people. I'd like you to hear some of the remarks made by Dr. Mills and Lt. Chris Grotten. I'll read to you what Dr. Mills said. I quote, 'First, I agree with my colleagues that seat belt usage is a public safety and medical issue as they testified. However, it is also a public health issue. In 2005 more Mainers died from car crashes than HIV, meningitis, hepatitis, tuberculosis, skin cancer, cervical cancer, homicide, and snowmobile crashes combined. Car crashes are the leading cause of death amongst all causes of death among Maine's young people ages 15 to 35. Indeed, for those of us who are parents of children in this age group, our biggest fear is the phone ringing, giving us dreaded and tragic news of a car crash involving a child. Today, in Maine, we can expect 94 car crashes on our roads. Today, in Maine, we can expect three people to be rushed to the hospital after a crash and be seriously injured, to require hospitalization. Today or tomorrow we can expect one Mainer to die on our roads. That was on data from 2005 statistics. No person or community in Maine has escaped the emotional, physical, or financial toll these crashes extracted. The good news is most of this toll is preventable. The bill before you will save lives; 12 lives, 179 serious injuries, and save \$38 million.' I'd like to quote from Lt. Chris Grotten. He says, 'We tend to be injured and maimed and all too often knock on the darkened door of their loved ones late at night to deliver the news that will change their lives forever. While this is never easy, it is exponentially more frustrating when those injuries or deaths could have been prevented by simply using seat belts. The impact of this oversight is not limited to the victim, but includes family members, friends, and co-workers who are permanently impacted emotionally and financially in many ways by the consequences of not buckling up.'

I ask you to please save those people that could be injured or killed and vote for this bill. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I know that the Transportation Committee has heard very compelling testimony about the horrible injuries that come from automobile accidents and not wearing a seat belt. This is not just about a safety issue. This is about choice. This is about freedoms. This is about what America is supposed to be about, to me. I stand in opposition to this motion. I am concerned about the direction in which we chose to take ourselves and the message that it sends about our safety. I had a gentleman who put cameras all up around an island that he owned. He invited me to come and have my victory celebration on that island and I said, 'George, I will not come out to that island.' He said, 'Why not?' I said, 'Because you have cameras everywhere and I'm not interested in that.' He said, 'That's all

about safety. Would you rather have somebody come up behind you and grab you from behind or would you rather have a camera watch and somebody could help you?' I said, 'Let the person come at me from behind because I don't want my rights taken away. I don't want my liberties taken away. I would rather protect myself than to have Big Brother hanging over me, telling me what I can and cannot do.' This is much bigger of an issue to me than how many accidents occur. I'm in favor of safety. I'm in favor of promoting safety. I'm in favor of letting people know about the dangers of driving without their seat belts on, but it should be their choice. We're losing our rights here. This is about a choice. We're going further and further about protecting people. Soon when you go into have a Big Mac at McDonald's we'll slap you with a fine because you are 20 pounds overweight. Is this the direction that we're taking our country? In Britain if you stop at a stop light and have a cup of water a camera is looking at you and you are slapped with a huge fine. Is this the direction that we are going to go? Cameras are watching us from everywhere and all in the name of safety. I am telling you this is all in the name of safety. Our letters are being opened in the name of safety, in the name of protecting us. What are we protecting? The things that we value most, our freedoms and our choices. I remind this Body not to be hypocritical. We have helmet laws come before us and I implore any of you who voted in favor last biennium of the Ought Not to Pass on helmet laws for motorcycles and so on that you think again about why you did that and that you consider before you make your mind up on this bill about choice. Yes, there are costs involved. There is no question about it, but there are other ways of convincing people that the best way to deal with this issue is by giving the freedom of choice but educating them. I implore you to go with the educating way rather than making this a primary offense. This is a very slippery slope we are taking ourselves in. We say we want our freedoms. We say this country is free. I submit to you that it is a slippery slope we are going in taking our country and our state in when we make these sorts of things primary offenses. I will not deny that we need to do a better job in preventing people from being injured by educating them about the issue of buckling up. This is just not right. This is not the way to do it. I ask you to not support this motion, to please vote with me against this motion. Please think about what you are doing here and think about the message that it sends. Thank you very much.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of the pending motion. I must tell you before I talk to you about this that were I to be in this same situation a few years ago I would probably have been rising in opposition to the pending motion. It has become clear to me through my involvement with the Joint Standing Committee on Transportation; through my involvement with having family members and loved ones involved in motor vehicle accidents, some resulting in their deaths; and it has become clear to me that when my health insurance premiums are increased because we feel as though our liberties and our freedoms and the impact that our actions have on society outweigh those costs, all of those occurrences have led me to this position, a position that I don't come to easily or naturally. Some of you who know me and some of you who have observed me perhaps would recognize me as being fairly independent and maybe even contrary on occasion. I

don't find either of those traits uncomplimentary. In this particular position I urge you to consider very strongly and I urge you, in fact, to support the pending motion.

I want to give you a little bit of the testimony that came before us, not the verbatim testimony but testimony from trauma room doctors and nurses, people who regularly have to deal with trying to put back together the pieces of humanity that are brought before them because somebody wanted to exercise their individual freedoms. One medical bill that was shown to us was, when laid out end-to-end, 27 feet long. Another medical bill, which was demonstrated to us, was approximately this thick. Let the record show I'm holding my hands about 7 inches apart. It amounted to some \$925,000. Both of those bills were the result of trying to save somebody who was involved in a motor vehicle accident but wanted to exercise their freedom of not wearing a seat belt. In the latter case, after over 30 days of valiant effort, that victim died. In the former case, after years of valiant effort, that victim is still alive, though I will submit to you that he is not living the same life that he lived prior to that accident. In previous testimony you heard that the director of LifeFlight had stood before our committee and announced that as he was waiting to testify he received word that one of his units was dispatched to an accident scene and was, in fact, carrying the victim to a hospital as he spoke. I later learned, as you've also learned today, that not only did that victim die, that victim who was not wearing a seat belt, but that this victim was, in fact, the granddaughter of one of my next door neighbors in Trenton. It seemed to be fairly ironic to me, yet consistent with our actions, that those kinds of results will continue if we don't have laws on the books that would remind us and direct us to look after our own safety, not only for our own sake but for your sake and my sake, for the people's sakes who are paying the bills.

It has often been said that this would take away our personal freedoms. I'll tell you that the primary enforcement of the safety belt law is no more intrusive of an individual's freedom than any other law that we work here and that we pass routinely. As with other laws, for example building and fire codes, it is the legitimate responsibility of government to provide for the protection of its citizens. Some have questioned the constitutionality of such a primary offense. I'll read just a paragraph from the United States Supreme Court, which once noted, and I quote, 'From the moment of injury, society picks up the person off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if after recovery he cannot replace his lost job; and, if the injury causes disability, may assume responsibility for his and his family's continued existence.'

Finally I'll end by saying that there was testimony in opposition to this bill. I will cite two of those testimonies, if you will permit. One said that seat belts don't make a difference. In fact, you are required, we are required, to have seat belts on in airplanes on take-off and landing, yet when those planes crash not everybody lives. Secondly, a testimony provided to us said that if seat belts were so important and were maintaining a person's position inside of an automobile during a crash, which sometimes if they are not belted in they can be ejected from the automobile. This has been noted in our NASCAR circuit and the solution to that problem of ejection from the automobile was that we welded the doors shut and we perhaps ought to consider that instead of primary seat belt laws. Well, I hope that you don't look at welding your doors shut, but I do hope that you look at this bill for the purpose for which it was designed, to provide safety for

you and me and the rest of the citizens of Maine, and that it is not overly obtrusive to our well-being. I urge your support of the pending motion. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just want to make a couple of observations and a couple of concerns if this bill is to pass. I don't think any of us will argue the importance of wearing your seat belt. I think the area that we don't agree on, apparently, is the State stepping in and requiring it and making it a primary reason to be able to stop someone. It's a personal liberty issue for myself and many of my constituents. I could see us driving up to Augusta one day and coming up to the tollbooth and getting ready to throw a quarter in the little bucket, sorry it's sixty cents, and there's a Trooper standing there and he's looking for the strap across your shoulder. Down the road a little ways there is a whole troop of Troopers that are pulling people over, similar to a speed trap. I'm concerned that there is more of an issue about, as we see sometimes here as we raised the fines a couple of years ago, raising money for the State coffers as opposed to a real safety issue. I'm not convinced, and with your permission, Madame President, I'd ask a question through the Chair. Is there any data that would indicate that seat belt usage would be increased by making failure to wear a seat belt a primary offense?

THE PRESIDENT: The Senator from York, Senator Courtney poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you, Madame President. I would answer that there is evidence that people would wear seat belts if there was a primary law. Can I continue, Madame President? I speak only because I spent many years here getting the progression of seat belt wearing into the law. We had to begin with little children, 4 year olds and 12 year olds, all those people who don't have a vote. We got to the 18 years old. Finally, after many years, we got to the seat belt law that we have today. The Senate would go for it and the other Body wouldn't. The other Body would go for it and the Senate wouldn't. We finally got them all together and the Governor vetoed it. Eventually it was done.

I want to square away something that has been said here, that there is a choice. There is no choice now. It is against the law to not buckle up. If you don't buckle up you have broken the law. The only thing we hear then, unless you want to repeal this law, with the Senator from York, Senator Courtney, and others is impugning the police departments. If you have got a problem with the police, if you have a problem with the Turnpike Authority, let's deal with that. It is against the law not to be buckled up. If we pull people over for all the reasons like a tail light out or this or that, it is much more important that you wear your seat belt. You kids, you know you have to wear your seat belts. Most of these people know they have to wear their seat belts. Because I was such a promoter of the seat belts I won't move without a seat belt because I don't want my obituary to say that the sponsor of the seat belt law died without his seat belt on. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I won't go to the emotional side of this, but I think when I was in the other Body we made an agreement and we crafted what I believed to be the best of both worlds. We crafted a secondary offense so that the kids would be wearing a seat belt and over time we would adjust to that. The other piece to that, the primary offense, is that now you are going to burden, and you can use different words, the local police. They are going to have to enforce that. They are going to be using their time enforcing seat belt laws when they should be using their time to protect the children and the communities, making sure that domestic violence isn't happening in the community, and we're going to use a lot of resources for this bill. When we looked at this before, it went to a secondary offense but we mandated that those under 18 would wear their seat belts and that goes with you for the rest of your life. I would say that there is nothing wrong with the current law. The current law works well. I think if you went out there in the community and ask someone if they should wear their seat belt they would say yes. Probably 90% of them would think that the law is already there. It was designed that way so that we had a compromise. Now what we hear later on is that we were just fooling then and now that we agreed to go down this road so we can improve the safety of our communities we're going to take it anyways. I would ask my colleagues to vote against the pending motion.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I have enormous respect for the Senators on the Transportation Committee and the Representatives on the Transportation Committee. I have no quarrel with the use of seat belts. I do believe they save lives. I don't think we can really argue that point. I speak as somebody for whom this issue means something personally. The date of June 22, 1979, is etched in my mind and in my heart for as long as I shall live. On that day my grandparents had a terrible accident from which my step-grandfather never recovered. He passed away after being in a coma for seven months. My grandmother's life was cut short. She recovered but never fully and died a couple of years later. I do understand, on a very personal level, the horror and the pain of automobile accidents. Nonetheless, I am opposed to this motion. Current Maine law already serves to remind us, to guide us, to direct us. If that is the goal of this motion, it's already a crime, as the Senator from Cumberland, Senator Brannigan, has pointed out. It is not a crime for which people are going to be pulled over. I supported the law as a voter when we passed it in Referendum in 1995.

I agree it's good to increase public awareness and encourage seat belt use, but I'm concerned that this is overreach on the part of government. Where does it stop? If we are to apply the same logic and the same arguments, where does it stop? We know, beyond any debate, it saves lives not to smoke. Are we going to make it a primary offense to smoke? We know beyond the shadow of a doubt it saves lives to avoid fat and cholesterol in your diet. Are we going to make over-indulgence a primary offense? Sometimes in our quest to promote things that

are good I believe it is possible for us as lawmakers to go too far. I submit that this is such a case.

I do believe this would be an intrusive law and I cannot support a bill that will result in people being stopped by the police, which many people find a horrifying thought. For people who go through life doing the right thing the thought of being pulled over by the police is horrifying, embarrassing, and disturbing. Imagine for a moment, an 80-year-old woman who discovers at 4:45 as she's fixing her supper that she's out of tea bags. She thinks, 'Oh my goodness, if I leave right now I can run down to the store and get tea bags before they close at 5:00.' In her haste she forgets to put her seat belt on. Before she gets to the store, for the first time in her life, she is pulled over by the police and fined for not wearing a seat belt. I just can't imagine that this is what we, as a State, want to do.

As for welding car doors shut, we currently have laws on the books that will prohibit us from traveling at the speeds of Bobby Labonte or Mark Martin or Jimmie Johnson. I'm not sure that is really a fair comparison.

In closing I just want to say that I understand fully the value of seat belts. Everybody in my family does. We learned that painful lesson on June 22, 1979. As a Senator, involved with the responsibility to make decisions to govern Maine people, I cannot support this, however well intentioned, pending motion. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I worry about the camel. He's been sliding and slipping downhill all morning trying to get his nose under the tent.

I hope that all of us, individually and collectively, do not have to have a fatality in our family in order to get religion about wearing seat belts. Some famous politician, whose name I can't recall, said that you can't legislate commonsense. I don't know whether that is true or not, but in this case I think we should try. I would urge your support of the pending motion. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I guess I'm not quite done yet. Could I propose a series of questions through the Chair?

THE PRESIDENT: The Senator may pose his questions.

Senator **COURTNEY:** Thank you, Madame President. With regards to the comments from the Senator from Cumberland, Senator Brannigan, I'm kind of curious about the source of the data that he says exists. With that data, what type of increase in seat belt usage would be able to expect with this law? I have one other one when that is answered.

THE PRESIDENT: I think you should ask all of them at once.

Senator **COURTNEY:** Thank you, Madame President. The other question is, is there additional, and this goes to the issue about

the money part of it, federal funds available if we make seat belt usage a primary offense? Thank you.

THE PRESIDENT: The Senator from York, Senator Courtney poses several questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President. I will try to answer some of what the Senator from York, Senator Courtney, asked. Yes, there is a one time \$3.7 million available through Safety Belt Performance Grants program. I've got things that it can be used for. Eligible uses of grant funds for any safety purposes under Title 23, U.S. Code, including behavioral and infrastructure safety programs or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems including, and it lists probably 15 or 20 ways that this money could be used. At least \$1 million of the funds has to be for behavioral safety activities. That's not why I put this bill in, for everyone in the Senate. Believe me, I firmly believe seat belts save lives.

To answer the good Senator from York, Senator Courtney, I think that if we have State Police lined up at the tollbooths acting as safety belt enforcers then their supervisors need to take a good look at their work schedule and make sure they are doing their job that they are hired for.

As far as the fines go, the fines do not change on this bill. The current law, as the Senator from Cumberland, Senator Brannigan, said is on the books now. We are required to use safety belts and the fines are \$50 for the first offense, \$125 for the second, and \$250 for the third and subsequent offenses. I would say that if you get caught three times then you deserved to be fined \$250. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. I request that the vote be taken by the yeas and nays.

THE PRESIDENT: A roll call has been ordered. The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise briefly in support of the pending motion. I'm looking at a map that shows which states in the United States already have this statute is already a primary enforcement and which states are secondary enforcement. I firmly believe that if we collectively voted on what area of the United States would be the most conservative, the states of Texas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, South and North Carolina, Tennessee, and Kentucky I think everyone here would agree, for a host of reasons, would be the most conservative area in our country. What all those states have in common is that every one of them today already has seat belt usage as a primary enforcement statute. I urge support of the pending motion. To me this is not an issue of being for individual rights or being conservative and not going to vote for this statute. Look at this whole area of the country, that I think is a good healthy conservative area of our country, and everyone of those states already has this as the law. Thank you.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm rising in an effort to address posed earlier by the good Senator from York, Senator Courtney. With regards to data supplied by the National Highway Traffic Safety Administration, that federal agency that is tasked with keeping track of safety issues, states with primary seat belt laws have use rates at about 9.1% higher than states with secondary enforcement laws, meaning that the number of people using the seat belts increase in the states where it is a primary law. If Maine were to enact a primary law we would save approximately 10 lives and 155 serious injuries every year. A primary law would also save about \$33 million in associated costs each year. These costs and savings are based on an estimated 9.1% increase in the use. This is according to the National Highway Traffic Safety Administration. Also seat belts reduce the risk of death to front seat passenger car occupants by 45% and the risk of moderate to critical injury by 50%. For light truck occupants seat belts reduce the risk of death by 60% and moderate to critical injury by 65%. Of passenger vehicle occupants who died in Maine 49% were not wearing seat belts. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#29)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, DAMON, DIAMOND, DOW, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, COURTNEY, GOOLEY, HASTINGS, HOBBS, MCCORMICK, NASS, PLOWMAN, RAYE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO

ABSENT: Senator: BROMLEY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/13/07) Assigned matter:

Bill "An Act To Provide Oversight for Crematoriums"
H.P. 907 L.D. 1289

Tabled - March 13, 2007, by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species
H.P. 1016 L.D. 1447

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine"
H.P. 985 L.D. 1402

Bill "An Act Requiring Long-range Budget Planning"
H.P. 998 L.D. 1424

Bill "An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Water Supply Facilities"
H.P. 1017 L.D. 1448

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians"
H.P. 986 L.D. 1403

Resolve, Directing the Establishment of a Building Contractor's License and Education Requirements for Code Enforcement Officers
H.P. 987 L.D. 1404

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs"
H.P. 988 L.D. 1405

Bill "An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception"

H.P. 999 L.D. 1425

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Enhance the Prekindergarten Experience for Maine Children"

H.P. 1000 L.D. 1426

Resolve, To Evaluate Parenting Education and To Develop Parenting Resources in Maine High Schools

H.P. 1001 L.D. 1427

Bill "An Act To Increase Quality Physical Education for Elementary School Students"

H.P. 1011 L.D. 1442

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.

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 Children from Mercury and Thimerosal Toxicity in Immunizing Agents"

H.P. 1015 L.D. 1446

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation"

H.P. 1002 L.D. 1428

Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders"

H.P. 1003 L.D. 1429

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers"

H.P. 989 L.D. 1406

Resolve, To Address Issues Concerning the Employment of Senior Citizens

H.P. 990 L.D. 1407

Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage"

H.P. 1014 L.D. 1445

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Make Technical Changes to Maine's Aquaculture Statutes"

H.P. 992 L.D. 1409

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat"
H.P. 1004 L.D. 1430

Bill "An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility or Incineration Facility"
H.P. 1005 L.D. 1431

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

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

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, To Amend the Constitution of Maine To Protect Senior Property Owners
H.P. 995 L.D. 1412

Bill "An Act To Set Fees for Services for Tax-exempt Property in Municipalities"
H.P. 996 L.D. 1413

Bill "An Act To Support Farms and Limit Sprawl"
H.P. 997 L.D. 1414

Bill "An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control"
H.P. 1006 L.D. 1432

Bill "An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes"
H.P. 1007 L.D. 1433

Bill "An Act To Lower Maine Income Tax Rates"
H.P. 1008 L.D. 1434

Bill "An Act To Index the Veterans' Property Tax Exemptions to the Cost of Living"

H.P. 1013 L.D. 1444

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust
H.P. 1010 L.D. 1441

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

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Name the Gray Connector
H.P. 993 L.D. 1410

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.

Senate at Ease.

Senate called to order by the President.

Senator **ROTUNDO** of Androscoggin 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 **SHERMAN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

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

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

On motion by Senator **TURNER** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 20, 2007, at 10:00 in the morning, in memory of and lasting tribute to Paul "P.D." Merrill of Yarmouth.