

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

First Regular Session
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STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 29, 2007

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

Prayer by Pastor James Colley of United Baptist Church in Dover-Foxcroft.

PASTOR COLLEY: I bring you greetings this morning from Dover-Foxcroft. I thank you for the privilege of being here. Senator Smith, thank you for putting my name in the hat so I could be here today. We need each other's prayers, that's for sure. We actually have a lot of commonalities in being a Pastor and a Senator. We're all elected by the good people that we serve and we all have learned that we can't please everybody all the time. We all need each other's wisdom and most importantly God's wisdom. That is what we are going to ask for today. I need your prayers like you need mine. This isn't the first time I've prayed for you. I pray for you on a daily basis, not necessarily by name because I don't know you all. I do know Senator Smith and ex-Senator Paul Davis, who is also in our church. Since you know Paul Davis, and you know I'm his pastor, you know I need your prayers really bad. Let us pray this morning.

Father, thank You for the privilege of being here. I thank You for the honor. Lord, according to your word, Roman's 13, we are all Your ministers in this room today. We all need Your wisdom and Your guidance. Father, I pray that You will bless each gentleman and lady in this room and give them wisdom from on high. Lord, give them discernment. Lord, give them the ability to make decisions that will influence and help lives and further Your kingdom. Lord, I ask Your blessing now upon all that will go on today. In Jesus' name. Amen. God bless you.

Reading of the Journal of Tuesday, March 27, 2007.

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. 632

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 2, 2007 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

In Senate, March 15, 2007, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health
H.P. 1093 L.D. 1568

In House, March 20, 2007, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

In Senate, March 22, 2007, **REFERRED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act To Hold School Systems to the Same Spending Limits as Municipalities"
S.P. 568 L.D. 1624

In Senate, March 22, 2007, on motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Fund a Southern Maine Regional Applied Technology Center in Sanford"

H.P. 1057 L.D. 1532

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

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

Sent down for concurrence.

Bill "An Act To Amend the Process for Making Certain Changes to State-owned Land"

H.P. 738 L.D. 978

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **BRYANT** of Oxford, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years
H.P. 1078 L.D. 1553

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.

Joint Resolutions

The following Joint Resolution:

H.P. 1182

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO FULFILL THE INTENT TO FUND 60% OF THE COSTS OF SPECIAL EDUCATION AND TO END UNFUNDED MANDATES

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present

and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

WHEREAS, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

WHEREAS, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

WHEREAS, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

WHEREAS, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

WHEREAS, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

WHEREAS, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 60% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the

imposition of unfunded federal mandates on state governments; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

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

READ.

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

The following Joint Resolution:

H.P. 1230

**JOINT RESOLUTION RECOGNIZING
MAINE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are locally owned and governed financial cooperatives dedicated and committed to serving the needs of their members. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions are devoted to the more than 600,000 Maine consumers who use credit unions; and

WHEREAS, Maine's credit unions are consistently recognized for serving their members, as indicated by the consistently high performance and satisfaction that consumers assign to Maine's credit unions. Since 1983, credit unions have ranked first in consumer satisfaction out of all financial institutions. With lower and fewer fees and an unmatched level of member service, Maine's credit unions are prominent in the State's financial services industry and continue to grow; and

WHEREAS, Maine is once again ranked as the nation's 5th strongest credit union state based on the percentage of population that uses a credit union, a position Maine has held for 6 consecutive years. Nearly one in every 2 Maine residents uses a credit union; and

WHEREAS, the 1,950 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of Maine people helping Maine people by contributing to the communities they serve; and

WHEREAS, Maine's credit unions and their members have raised more than \$2,300,000 to help end hunger in Maine since 1990. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. Because of the

commitment of Maine's credit unions to the cause of ending hunger in Maine, the State is recognized nationally for its leadership role in raising awareness of, funds for and solutions to the problem of hunger not only in Maine but in a growing number of other states as well; and

WHEREAS, in addition to working to end hunger, Maine's credit unions also provide hundreds of thousands of dollars to positively affect the lives of Maine people. The lives of Maine's citizens are positively affected every day because of the efforts of Maine's credit unions, which voluntarily contribute time and financial resources to organizations and agencies in their own communities, such as the Red Cross and the Special Olympics; and

WHEREAS, since 1921, Maine's credit unions have been a source of economic stability and assistance in helping thousands of people in communities across Maine realize financial success. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Regular Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 85 years. Their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 69 affiliated credit unions.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 147

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

March 27, 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 Natural Resources has had under consideration the nomination of Aram J.K. Calhoun of Milford, for appointment to the Maine Outdoor Heritage Fund Board.

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	2	Martin of Aroostook, Bartlett of Cumberland
	Representatives	10	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Ayotte of Caswell, Babbidge of Kennebunk, Duchesne of Hudson, Eberle of South Portland, Hamper of Oxford, McDonough of Scarborough, Miramant of Camden, Wagner of Lewiston
NAYS		0	
ABSENT		1	Sen. Smith of Piscataquis

Twelve 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 Aram J.K. Calhoun of Milford, for appointment to the Maine Outdoor Heritage Fund Board be confirmed.

Signed,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections"
S.P. 640 L.D. 1796

Sponsored by President EDMONDS of Cumberland.
(GOVERNOR'S BILL)
Cosponsored by Speaker CUMMINGS of Portland.

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

Ordered sent down forthwith for concurrence.

Bill "An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws" (EMERGENCY)
S.P. 635 L.D. 1791

Sponsored by Senator BENOIT of Sagadahoc. (GOVERNOR'S BILL)
Cosponsored by Representative BEAUDETTE of Biddeford and Senators: COURTNEY of York, SCHNEIDER of Penobscot, Representatives: BEAULIEU of Auburn, MacDONALD of Boothbay, PRESCOTT of Topsham, SILSBY of Augusta, SMITH of Monmouth.

Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine
S.P. 638 L.D. 1794

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Senator: COURTNEY of York, Representatives: BEAUDETTE of Biddeford, BEAULIEU of Auburn, CLEARY of Houlton, MacDONALD of Boothbay, PRESCOTT of Topsham, SILSBY of Augusta.

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 Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006"
S.P. 633 L.D. 1789

Sponsored by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative TREAT of Farmingdale.
Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations"
S.P. 636 L.D. 1792

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Senator: COURTNEY of York, Representatives: BEAULIEU of Auburn, PRESCOTT of Topsham, SAMSON of Auburn.

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

Sent down for concurrence.

Bill "An Act for Fair Treatment of Workers"

S.P. 628 L.D. 1777

Sponsored by Senator BRANNIGAN of Cumberland. (BY REQUEST)

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

Sent down for concurrence.

Bill "An Act To Govern Publicly Funded Advertising during Campaigns"

S.P. 630 L.D. 1779

Sponsored by Senator RAYE of Washington.

Cosponsored by Representative BLANCHETTE of Bangor and Senators: MARRACHÉ of Kennebec, NUTTING of Androscoggin, PLOWMAN of Penobscot, WESTON of Waldo, Representatives: HINCK of Portland, HOLMAN of Fayette, NASS of Acton, PINGREE of North Haven.

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 Certain Laws Administered by the Department of Environmental Protection"

S.P. 629 L.D. 1778

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative KOFFMAN of Bar Harbor. Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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 Strengthen Budget Caps for Counties, Municipalities and School Districts"

S.P. 627 L.D. 1776

Sponsored by Senator COURTNEY of York.

Cosponsored by Representative SAMSON of Auburn and Senators: McCORMICK of Kennebec, NASS of York, PERRY of Penobscot, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: BEAUDETTE of Biddeford, CONNOR of Kennebunk, LANSLEY of Sabattus.

Bill "An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland"

S.P. 637 L.D. 1793

Sponsored by Senator SAVAGE of Knox.

Cosponsored by Representative PENDLETON of Scarborough and Senators: DAMON of Hancock, DOW of Lincoln, Representatives: BEAUDOIN of Biddeford, CURTIS of Madison, JOY of Crystal, McKANE of Newcastle, PINGREE of North Haven, WEAVER of York.

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

Sent down for concurrence.

Bill "An Act To Secure Maine's Transportation Future"

S.P. 634 L.D. 1790

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative MARLEY of Portland and Senators: DIAMOND of Cumberland, MARRACHÉ of Kennebec, MARTIN of Aroostook, NUTTING of Androscoggin, PERRY of Penobscot, SAVAGE of Knox, STRIMLING of Cumberland, Representatives: BLANCHARD of Old Town, BROWNE of Vassalboro, CEBRA of Naples, CRAVEN of Lewiston, CROSTHWAITE of Ellsworth, CURTIS of Madison, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FISHER of Brewer, FLOOD of Winthrop, HOGAN of Old Orchard Beach, HOLMAN of Fayette, MAZUREK of Rockland, PEOPLES of Westbrook, PINGREE of North Haven, PIOTTI of Unity, ROSEN of Bucksport, STRANG BURGESS of Cumberland, TARDY of Newport, THERIAULT of Madawaska, WOODBURY of Yarmouth.

Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower

S.P. 639 L.D. 1795

Sponsored by Senator ROSEN of Hancock.

Cosponsored by Representative ROSEN of Bucksport and Senator: SAVAGE of Knox, Representatives: BROWNE of Vassalboro, CEBRA of Naples, HOGAN of Old Orchard Beach, MARLEY of Portland, MAZUREK of Rockland, THERIAULT of Madawaska, THOMAS of Ripley. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Encourage Community Network Development"
S.P. 626 L.D. 1767

Sponsored by Senator PERRY of Penobscot.
Cosponsored by Representative RICHARDSON of Carmel and
Senators: BROMLEY of Cumberland, MARTIN of Aroostook,
MILLS of Somerset, MITCHELL of Kennebec, RAYE of
Washington, Representatives: FISCHER of Presque Isle,
PINGREE of North Haven, TARDY of Newport.

On motion by Senator **HOBBINS** of York, **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.

ORDERS

Joint Resolution

On motion by Senator **STRIMLING** of Cumberland (Cosponsored
by Representative FISCHER of Presque Isle and Senators:
BARTLETT of Cumberland, DAMON of Hancock, DIAMOND of
Cumberland, Representative: BARSTOW of Gorham), the
following Joint Resolution:

S.P. 631

JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S SUPPORT FOR THE INSTALLATION OF WIND POWER GENERATING FACILITIES IN THE STATE

WHEREAS, the State of Maine has established a reputation as
one of the Nation's most aggressive states in preserving and
enhancing the environment; and

WHEREAS, the State of Maine has also established a
commitment to the health and welfare of its people, and Maine
people suffer from the impact of documented unhealthy emissions
from industries in states to the west; and

WHEREAS, the health and welfare of current and future
generations of Maine children are at risk because of these
unhealthy air emissions, over which the State has little control;
and

WHEREAS, the United States is inordinately dependent on oil
and on the cartel of oil-producing nations; and

WHEREAS, Maine citizens desire and deserve economical
means of electrical power, and it is imperative that the State
identify and use alternative sources of power generation; and

WHEREAS, the State of Maine is blessed with the potential to
become a significant host for wind power generation; 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 express our unequivocal support for wind power as
a means of producing economical electricity, and we encourage
the construction and operation of wind power generating facilities
in the State of Maine.

READ.

On further motion by same Senator, **TABLED** until Later in
Today's Session, pending the motion by same Senator to
ADOPT.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on
Resolve, Regarding Legislative Review of Portions of Chapter 28:
Closing a School in the Unorganized Territory, a Major
Substantive Rule of the Department of Education (EMERGENCY)
H.P. 35 L.D. 34

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

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

Report **READ.**

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

The Committee on **NATURAL RESOURCES** on Bill "An Act To
Encourage Greater Public Input into the State Environmental
Licensing Process"

H.P. 647 L.D. 848

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.**

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Harrison Water District" (EMERGENCY)

H.P. 668 L.D. 878

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.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Long Pond Water District" (EMERGENCY)

H.P. 716 L.D. 941

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 Improve the Control and Prevention of Invasive Plant Infestations"

H.P. 135 L.D. 153

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-28)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-28)**.

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

READ ONCE.

Committee Amendment "A" (H-28) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices"

H.P. 332 L.D. 416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-29)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29)**.

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

READ ONCE.

Committee Amendment "A" (H-29) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council"

H.P. 213 L.D. 257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-32)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32)**.

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

READ ONCE.

Committee Amendment "A" (H-32) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine" (EMERGENCY)

H.P. 476 L.D. 627

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-30)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)**.

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

READ ONCE.

Committee Amendment "A" (H-30) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Enhance Land Use Opportunities for Landowners"

H.P. 251 L.D. 307

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

Signed:

Senators:

PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
FINCH of Fairfield
McLEOD of Lee
EBERLE of South Portland
RICHARDSON of Carmel
WHEELER of Kittery
LUNDEEN of Mars Hill
RICHARDSON of Greenville
BRYANT of Windham

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

Signed:

Senator:

BRYANT of Oxford

Representative:

SAVIELLO of Wilton

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

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Chair noted the absence of the Senator from Cumberland, Senator **BRANNIGAN** and the Senator from Cumberland, Senator **BARTLETT** and further excused the same Senators from today's Roll Call votes.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I rise today in opposition to the pending motion. I didn't know if we were going to avoid this or not, but apparently not. I rise in opposition to this. This is about Sunday hunting. It's for Sunday hunting for landowners only. I have a bunch of information here about this particular bill and I'll just go down through a few items.

Enjoying hunting without fear of being shot is a traditional use that outdoor extremists want to take away from the rest of us. I happen to own a tree farm myself and I don't particularly want to see Sunday hunting. I know I sent out a questionnaire years ago about Sunday hunting and 80% were against it. The only one who supported this in the committee was the Sportsman's Alliance of Maine. There were a number of organizations that did not support this bill. This is the 26th time in the last 30 years that Sunday hunting has come up and all have rejected. A significant majority of the public oppose Sunday hunting. Sunday is the one day of the week when landowners, recreationists, and the general public can enjoy the outdoors with a sense of safety and relative quiet. This bill will result in more properties being closed to hunting. It is not sound public policy to set hunting season based on landownership.

This bill only fuels conflict between hunters, landowners, recreationists, and the general public. This bill will adversely affect landowners on adjacent properties that don't allow Sunday hunting. For instance, if somebody wounds a deer and the deer goes onto somebody else's property on a Sunday that will be a problem. This bill has enforcement issues requiring Game Wardens to make decisions on landownership, identification of individuals, and relationship to the landowner. Tract size and location would be problematic. It's a real can of worms for Game Wardens.

Based on those statements, I recommend we vote Ought Not to Pass. Thank you very much, Madame President.

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

Senator **BRYANT:** Thank you, Madame President and men and women of the Senate. I rise today to clarify a little bit about this bill. This bill is a simple bill. What it says is that if in fact you own over 20 acres of land that you can hunt on Sunday during hunting season on your own land. That's all the bill says. I think it goes to property rights. If you own the land, you're not affecting anybody else. It allows you to do that. That's all the bill does. I would encourage you to vote Ought to Pass.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit Campaigning at Polling Places" H.P. 231 L.D. 287

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

PATRICK of Rumford
MOORE of Standish
WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
HOLMAN of Fayette

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

Signed:

Representative:

BLANCHETTE of Bangor

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

Reports **READ**.

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

Senate

Ought to Pass

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Laws Governing Long-term Foster Care"

S.P. 187 L.D. 596

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Reauthorize the Community Preservation Advisory Committee"

S.P. 108 L.D. 336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-22)**.

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

READ ONCE.

Committee Amendment "A" (S-22) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 2008"

S.P. 102 L.D. 319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-23)**.

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

READ ONCE.

Committee Amendment "A" (S-23) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase the Bonding Capacity of the Maine Turnpike Authority"

S.P. 104 L.D. 321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-24)**.

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

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

Signed:

Representative:

THOMAS of Ripley

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-24) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House As Amended

Bill "An Act To Allow a Truck Driver To Haul a Trailer on a Highway If That Driver Has a Point-to-point Permit"
H.P. 182 L.D. 211
(C "A" H-26)

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

Senate

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

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

S.P. 167 L.D. 512

Bill "An Act To Clarify Portions of the Laws Governing InformE"
S.P. 216 L.D. 679

Bill "An Act To Continue To Allow Public Retiree Organizations Access to the Maine State Retirement System's List of All State Retirees" (EMERGENCY)

S.P. 229 L.D. 712

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend the Debt Management Services Laws"
S.P. 43 L.D. 135
(C "A" S-20)

Bill "An Act To Require Prior Notice before Cancellation of a Life Insurance Policy for Nonpayment of Premiums"
S.P. 46 L.D. 138
(C "A" S-21)

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides" (EMERGENCY)

H.P. 665 L.D. 875

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-38).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-38).

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

READ ONCE.

Committee Amendment "A" (H-38) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To More Clearly Define Maple Syrup
H.P. 743 L.D. 983
(C "A" H-39)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes
S.P. 105 L.D. 322
(C "A" S-10)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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 Encourage the Use of Solar Energy
S.P. 42 L.D. 134
(C "A" S-11)

An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992
S.P. 44 L.D. 136
(S "A" S-18)

An Act To Increase the Value of an Estate Collectible by Affidavit in Probate Law to \$20,000
H.P. 169 L.D. 198

An Act To Use Forfeited Bail Money for the Victims of an Offender
H.P. 190 L.D. 219
(C "A" H-19)

An Act To Create the Endangered or Threatened Marine Species Fund
S.P. 245 L.D. 796
(C "A" S-12)

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

An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material
H.P. 4 L.D. 3
(C "A" H-20)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Study the Feasibility of Locating a New Bridge in the St. David Area
H.P. 394 L.D. 511
(C "A" H-17)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

HELD MATTER

Bill "An Act To Assist Maine Pharmacies"
S.P. 450 L.D. 1287

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

(In Senate, March 15, 2007, on motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In House, March 22, 2007, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.)

(In Senate, March 27, 2007, on motion by Senator **BRANNIGAN** of Cumberland, **RECEDED** and **CONCURRED**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate
RECONSIDERED whereby it **RECEDED** and **CONCURRED**.

On further motion by same Senator, **TABLED** until Later in
Today's Session, pending the motion by Senator **BRANNIGAN** of
Cumberland to **RECEDE** and **CONCUR**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Fund Pesticide Education in the State"
H.P. 1252 L.D. 1798

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 Encourage Availability of Genuinely Affordable
Housing in High-cost Markets"
H.P. 1240 L.D. 1773

Bill "An Act To Amend the Licensing of Landscape Architects"
H.P. 1249 L.D. 1787

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Ensure Safe Drinking Water from Private Wells"
H.P. 1242 L.D. 1775

Resolve, To Convene a Working Group To Review Statutory
Language and Propose Standards To Ensure the Use of
Respectful Language
H.P. 1238 L.D. 1780

Bill "An Act To Prevent Duplication in Certification of Medical
Facilities"
H.P. 1243 L.D. 1781

Resolve, To Clarify the Rules of Reimbursement for Personnel
Working in Homes Providing Services to Persons with Brain
Injuries
H.P. 1244 L.D. 1782

Bill "An Act To Reduce the Spread of Infectious Disease through
Shared Hypodermic Apparatuses"
H.P. 1248 L.D. 1786

Bill "An Act To Fund Maine's HealthInfoNet Program"
H.P. 1251 L.D. 1797

Bill "An Act To Amend Licensing and Certification Requirements"
(EMERGENCY)
H.P. 1254 L.D. 1800

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

On motion by Senator **MARRACHÉ** of Kennebec, **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 Paper

Bill "An Act To Authorize the Use of Parenting Coordinators in
Maine"
H.P. 1237 L.D. 1771

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.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Photographic Identification in Order To Register To Vote" (EMERGENCY)

H.P. 1245 L.D. 1783

Bill "An Act To Establish Open Ballot Voting in Maine"

H.P. 1253 L.D. 1799

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases

H.P. 1236 L.D. 1770

Bill "An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs"

H.P. 1239 L.D. 1772

Bill "An Act To Authorize Municipal Property Tax Deferral Programs"

H.P. 1246 L.D. 1784

Bill "An Act To Equalize Tax Filing Status"

H.P. 1250 L.D. 1788

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

**Pursuant to Statute
Department of Agriculture, Food and Rural Resources**

The **Department of Agriculture, Food and Rural Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1234 L.D. 1768

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Marine Resources**

The **Department of Marine Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1235 L.D. 1769

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1233

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall submit, to the House, legislation on tax reform.

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

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1255

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government may report out, to the House, a bill to repeal inactive boards and commissions pursuant to the Maine Revised Statutes, Title 5, section 12006.

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

READ and **PASSED**, 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 Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12"

H.P. 1247 L.D. 1785

Comes 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.

Senate at Ease.

Senate called to order by the President.

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

ORDERS OF THE DAY

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

NOMINATION - of Aram J.K. Calhoun of Milford, for appointment to the Maine Outdoor Heritage Fund Board

Tabled - March 29, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 29, 2007, Communication (S.C. 147) from the Committee on **NATURAL RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** 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 (#37)

YEAS: Senators: None

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

EXCUSED: Senators: BARTLETT, BRANNIGAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, 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 **Aram J.K. Calhoun** of Milford, for appointment to the Maine Outdoor Heritage Fund Board was **CONFIRMED**.

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

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Enhance Land Use Opportunities for Landowners"

H.P. 251 L.D. 307

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought To Pass** (2 members)

Tabled - March 29, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, March 27, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 29, 2007, Reports **READ**. Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#38)

YEAS: Senators: BRYANT, MARTIN, NUTTING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BOWMAN, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON

EXCUSED: Senators: BARTLETT, BRANNIGAN

4 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/27/07) Assigned matter:

Bill "An Act To Provide an Income Tax Credit for Donations to Maine Public Schools"

H.P. 1042 L.D. 1480

Tabled - March 27, 2007, by Senator **BOWMAN** of York

Pending - **REFERENCE**

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

(In House, March 22, 2007, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

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

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/22/07) Assigned matter:

Bill "An Act To Increase the Safety of Hospital Patients"

H.P. 1063 L.D. 1538

Tabled - March 22, 2007, by Senator **MARRACHÉ** of Kennebec

Pending - **REFERENCE**

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

(In House, March 21, 2007, **REFERRED** to the Committee on **LABOR**.)

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

The Chair laid before the Senate the following Tabled and Later (3/27/07) Assigned matter:

Bill "An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing"

S.P. 602 L.D. 1695

Tabled - March 27, 2007, by Senator **HASTINGS** of Oxford

Pending - motion by Senator **BROMLEY** of Cumberland to **REFER** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

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

Senator **BROMLEY** of Cumberland requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

On further motion by same Senator, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/27/07) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Tax Nonprimary Residences at a Higher Rate
H.P. 1214 L.D. 1731

Tabled - March 27, 2007, by Senator **PERRY** of Penobscot

Pending - **REFERENCE**

(In House, March 27, 2007, **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.

The Chair laid before the Senate the following Tabled and Later (3/27/07) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Surtax on Property with a Value over \$400,000

H.P. 1215 L.D. 1732

Tabled - March 27, 2007, by Senator **PERRY** of Penobscot

Pending - **REFERENCE**

(In House, March 27, 2007, **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.

The Chair laid before the Senate the following Tabled and Later (3/27/07) Assigned matter:

RESOLUTION - Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund
H.P. 1209 L.D. 1726

Tabled - March 27, 2007, by Senator **DAMON** of Hancock

Pending - **REFERENCE**

(In House, March 27, 2007, **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.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Monday, April 2, 2007, at 10:00 in the morning.