

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Third Legislature

State of Maine

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

In Senate Chamber
Thursday
April 5, 2007

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

Prayer by Reverend George L. Hodgkins, Jr. of Centenary United
Methodist Church in Skowhegan.

REVEREND HODGKINS: Let us pray. Oh God of care and
justice, we call up on You as we begin this session for wisdom
and for guidance. Direct us with Your spirit as we deliberate on
decisions that will impact us all. Help us to wisely consider
everything that is before us and to make decisions that will truly
benefit the people of our wonderful state. Enable us to look
beyond party politics and to do what is best for our citizens. You
do desire us to act justly, to love mercy, and to walk humbly
before You. May we do so today and always. We ask all this in
Your name. Amen.

Reading of the Journal of Wednesday, April 4, 2007.

Out of order and under suspension of the Rules, on motion by
Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 658

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

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 173

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 4, 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 Education and Cultural Affairs
has voted unanimously to report the following bill out "Ought Not
to Pass":

L.D. 930 An Act To Regionalize Supervision of Students
in the Unorganized Territory

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 174

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 3, 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 Health and Human Services has
voted unanimously to report the following bills out "Ought Not to
Pass":

L.D. 50 Resolve, Regarding Costly Computer
Processes at the Department of Health and
Human Services

L.D. 943 Resolve, To Create a Look-back Rule for
Residential Care Facilities

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 175

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

April 3, 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. 953 An Act To Provide for Nonpartisan Elections for Sheriffs

L.D. 1247 Resolve, To Establish a Study Commission To Explore the Creation of a Department of Peace BY REQUEST (EMERGENCY)

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.**

SENATE PAPERS

Bill "An Act To Authorize the Use of Timber Harvesting Revenues for Land Management"

S.P. 652 L.D. 1834

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative JACKSON of Allagash and Senator: GOOLEY of Franklin, Representatives: FINCH of Fairfield, LUNDEEN of Mars Hill, McLEOD of Lee, RICHARDSON of Carmel, RICHARDSON of Greenville, SAVIELLO of Wilton. Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Relating to Notaries Public"
S.P. 653 L.D. 1835

Sponsored by Senator HOBBS of York.
Cosponsored by Representative SIMPSON of Auburn and Senators: MILLS of Somerset, PLOWMAN of Penobscot, Representatives: ADAMS of Portland, DILL of Cape Elizabeth, JOY of Crystal, MILLS of Farmington, PATRICK of Rumford, PINGREE of North Haven. Submitted by the Secretary of State pursuant to Joint Rule 204.

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

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

Sent down for concurrence.

Bill "An Act To Define the Process for a Municipality To Secede from a County"

S.P. 656 L.D. 1840

Sponsored by Senator WESTON of Waldo.

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 Save Money for Maine Energy Consumers through Enhanced Energy Efficiency"

S.P. 654 L.D. 1836

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative BLISS of South Portland.

Bill "An Act To Harmonize State and Federal Laws on Do-not-call Lists"

S.P. 655 L.D. 1837

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative BLISS of South Portland and Representatives: BERRY of Bowdoinham, BLANCHARD of Old Town, CURTIS of Madison, FITTS of Pittsfield, FLETCHER of Winslow, RINES of Wiscasset, THIBODEAU of Winterport.
Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

On motion by Senator **HOBBS** 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 **MITCHELL** of Kennebec, under unanimous consent on behalf of Senator **SULLIVAN** of York (Cosponsored by Representative BRAUTIGAM of Falmouth and Senators: BOWMAN of York, President EDMONDS of Cumberland, MARTIN of Aroostook, MITCHELL of Kennebec, ROSEN of Hancock, SNOWE-MELLO of Androscoggin, WESTON of Waldo, Representatives: CANAVAN of Waterville, CONOVER of Oakland, CROCKETT of Augusta, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, McKANE of Newcastle, PINGREE of North Haven, PRIEST of Brunswick, RICHARDSON of Warren, SAVAGE of Falmouth, TARDY of Newport, TREAT of Farmingdale, VAUGHAN of Durham), the following Joint Resolution:

S.P. 657

JOINT RESOLUTION RECOGNIZING MAINE'S BANKING INDUSTRY AND THE MAINE BANKERS ASSOCIATION

WHEREAS, the membership of the Maine Bankers Association has been serving the banking and financial services needs of Maine's communities and citizens for over 150 years; and

WHEREAS, the banking industry's commitment to its communities has been recognized by consistently high evaluations under the federal Community Reinvestment Act; and

WHEREAS, the members of the Maine Bankers Association are giving back to their communities through a commitment to providing financial literacy programs to Maine's youth and young adults, including the joint American Bankers Association's and Maine Bankers Association's annual Teach Children to Save Day program, which will teach students in elementary schools

throughout the State on April 24, 2007 about the importance of saving and how to save; and

WHEREAS, the banking industry's members and their employees annually demonstrate their commitment to children and the communities that they serve by donating thousands of volunteer hours and millions of dollars in community contributions; and

WHEREAS, the commitment to volunteerism and assisting in particular Maine's youth is represented here today by the 2007 Maine Bankers Association America's Promise Volunteers:

Lynne Spooner	Merrill Bank
Leanna Targett	Camden National Bank
Melissa Babineau	Maine Bank & Trust
Steven Flynn	Maine Bank & Trust
Sarah Martin	Bank of America
Molly Foley	Acadia Trust, N.A.
David Doolittle	Bar Harbor Bank & Trust
Alina Burke	Northeast Bank
Joline Daigle	Northeast Bank
Lynn Hamper	Northeast Bank
Leslie Couper, CFP	Northeast Bank
Debora Hillier, CIC	Northeast Bank
Jill Roy	Northeast Bank
Pender Lazenby	Northeast Bank
Trish Merrill	Northeast Bank
Kris Powell	Northeast Bank
Jim Delamater	Northeast Bank
Cathy McKelway	Northeast Bank
Shelley Smith	Northeast Bank
Christian Bishop, CFP	Northeast Bank
Kevin Carbin, CFP	Northeast Bank
Sean Doucette	Northeast Bank
Liza Crenshaw	Northeast Bank
Sandy Harmon	Northeast Bank
Craig Staples	Katahdin Trust

WHEREAS, the members of the Maine Bankers Association continue to demonstrate their financial support for Maine's high school graduates attending universities and community colleges in Maine individually through their own institutional scholarship programs and together through the Maine Higher Education Assistance Foundation's scholarship program; and

WHEREAS, the State's banking industry is an important supporter of the Maine Bar Association's IOLTA program, which provides legal services for Maine's disadvantaged citizens; 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 occasion to recognize Maine's banking industry and the Maine Bankers Association for their continued commitment and contributions to their communities and for supporting Maine's long tradition of service to others and to recognize the industry's commitment to providing needed financial literacy programs, educational scholarships for Maine's high school graduates and support for the IOLTA legal services program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the 2007 America's Promise Volunteers.

READ and **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Slaughter of Animals" H.P. 55 L.D. 57

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-43)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43)**.

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

READ ONCE.

Committee Amendment "A" (H-43) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allocate a Portion of the Land for Maine's Future Fund for the Purchase of Archeological Sites" H.P. 127 L.D. 145

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-44)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-44)**.

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

READ ONCE.

Committee Amendment "A" (H-44) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Reduce the Size of State Government by Four Percent

H.P. 434 L.D. 556

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-37)**.

Signed:

Senators:

SCHNEIDER of Penobscot
BENOIT of Sagadahoc

Representatives:

WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China
SCHATZ of Blue Hill

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37)**.

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass Pursuant to Joint Order

Senator SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity" S.P. 651 L.D. 1829

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 575.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"

S.P. 212 L.D. 675

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

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Farmingdale
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

Reports **READ**.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** Unassigned, pending **ACCEPTANCE OF EITHER REPORT**.

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

Bill "An Act To Amend the Shellfish Laws"

H.P. 432 L.D. 554

Bill "An Act To Amend Certain Requirements Applicable to Insurance Producers"

H.P. 457 L.D. 590

Bill "An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices"

H.P. 674 L.D. 889

Bill "An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws"

H.P. 825 L.D. 1132

Bill "An Act To Clarify the Application of the Definition of 'Tract or Parcel of Land' under the State Subdivision Laws"

H.P. 854 L.D. 1173

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

Senate

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

S.P. 177 L.D. 565

Bill "An Act To Amend the Charter of the Winterport Water District"

S.P. 310 L.D. 993

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, April 10, 2007, at 10:00 in the morning, in memory of and lasting tribute to Barbara J. McKernan of Bangor and Scarborough.