

# 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  
April 26, 2007

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

Prayer by Reverend Linda Peyton, Nursing Home Chaplain.

**REVEREND PEYTON:** In the name of One who's breath first washed over creation and called forth life, may we breath slowly and purposely in these reflective moments before the session begins, breathing in the wonders and delights and promises that spring brings us after the winter's darkness and storms, and breathing out for a moment the tensions and anxieties that we carry around. Oh Holy One, weaver of our hopes, seeker of our desires, and dancer of all grace, gather us into a mindful and deep sense of gratitude for life, for love, and mystery, for beauty and hope, gratitude also for the journeys of our lives that have brought us each here to this chamber together to serve as leaders in and of this state; gratitude of the privilege of carrying the trust of our citizens and bringing to this chamber our talents, courage, energy, our dreams, and hopes to work on their behalf to ease the burdens so many carry and to make life here more accessible, affordable, inclusive, and our whole environment healthier. May we always pay attention to the power our jobs afford us and use that power with grace, humility, and respect. May we meet our tasks with courage and creativity, taking care to listen to each other, that we don't make harmful assumptions, remembering that humor often helps to break stalemates, bringing insights into problems and lifting our spirits. May we hold before us the faces and stories of our people and imagine how their lives are and will be effected by our decisions. So as we lift to You all of our concerns, oh God, draw us ever closer together in Your understanding of human life and all life in this state, this country, and around the world. Startle us with fresh energies to bring healing and hope to this broken and very beautiful world. Amen.

Reading of the Journal of Wednesday, April 25, 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. 683

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 1, 2007, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Protect Consumers from Rising Health Care Costs"

S.P. 664 L.D. 1849

In Senate, April 10, 2007, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Comes from the House, **REFERRED** to the Committees on **HEALTH AND HUMAN SERVICES AND INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED and CONCURRED**.

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**Non-Concurrent Matter**

Joint Order To Create the Joint Select Committee on Prosperity  
H.P. 1018  
(S "C" S-19)

In House, March 15, 2007, **READ and PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22)**.

In Senate, April 24, 2007, **READ and PASSED AS AMENDED BY SENATE AMENDMENT "C" (S-19)**, in **NON-CONCURRENCE**.

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

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

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**House Paper**

Bill "An Act To Preserve Maine's Quality Places"  
H.P. 1305 L.D. 1872

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

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

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

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**COMMUNICATIONS**

The Following Communication: S.C. 223

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 17, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 992      Resolve, To Increase Highway Safety by  
Establishing a Dangerous Driver Hotline

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

Sincerely,

S/Sen. Bill Diamond  
Senate Chair

S/Rep. Stanley J. Gerzofsky  
House Chair

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

---

The Following Communication: S.C. 224

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

April 17, 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. 753      Resolve, To Invest in Children and Families  
through Family Resource Centers

L.D. 1450      An Act To Create Equity in Hospital Charges

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. 225

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**  
April 17, 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. 578      An Act To Help Maine People Be Informed  
Medical Consumers

L.D. 842      An Act To Require Insurance Coverage for  
Infertility Treatments

L.D. 1066      An Act To Protect Consumers in the Insurance  
Industry

L.D. 1269      Resolve, To Study the Feasibility of Pine Tree  
Health Care Insurance Zones

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.**

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The Following Communication: S.C. 226

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

April 12, 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. 104  | An Act To Protect Minors from Certain Bill Collectors              |
| L.D. 199  | An Act To Improve the Lien Process                                 |
| L.D. 989  | An Act To Extend Parental Support Obligations for College Students |
| L.D. 1207 | An Act To Amend the Mechanics Lien Laws                            |

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.**

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The Following Communication: S.C. 227

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

April 18, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- |           |  |
|-----------|--|
| L.D. 1196 | An Act To Protect Host Communities' Sovereign Rights   |
| L.D. 1204 | Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities |
| L.D. 1596 | Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling  |

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

Sincerely,

S/Sen. John L. Martin  
Senate Chair

S/Rep. Theodore S. Koffman  
House Chair

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

---

The Following Communication: S.C. 228

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

April 20, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 52      An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects
- L.D. 444      Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System
- L.D. 597      Resolve, To Regulate Blasting Operators
- L.D. 1270      Resolve, To Clarify the Definition of Smart Growth
- L.D. 1353      Resolve, To Provide a Comprehensive Assessment of Progress Made To Eliminate Combined Sewer Overflow into the State's Waterways
- L.D. 1359      An Act To Ensure the Availability of Existing Drinking Water Sources of Supply

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

Sincerely,

S/Sen. John L. Martin  
Senate Chair

S/Rep. Theodore S. Koffman  
House Chair

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

---

The Following Communication:      S.C. 229

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

April 18, 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. 210      An Act Relating to the Use of Dealer Plates
- L.D. 266      An Act To Fully Fund the Project To Replace the Route 302 Bridge in Naples
- L.D. 496      An Act To Exempt Emergency Vehicles from Tolls on the Maine Turnpike
- L.D. 561      Resolve, To Direct the Department of Transportation To Establish a Rest Area on U.S. Route 9 between Calais and Brewer
- L.D. 644      An Act To Amend the Motor Vehicle Laws
- L.D. 766      An Act To Permit Operation of a Modified Show Vehicle on a Public Way
- L.D. 894      An Act To Establish a 6-month Registration Period for Farm Truck License Plates
- L.D. 1202      An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit a Traffic Safety and Rest Area Exception

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.**

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The Following Communication:      S.C. 230

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

April 18, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 409      Resolve, To Study Alternative Fuel Use by Schools and Public Buildings

L.D. 1079    Resolve, Establishing the Commission To  
Study Biofuel Use in School Districts  
(EMERGENCY)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

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

Sincerely,

S/Sen. Philip L. Bartlett II  
Senate Chair

S/Rep. Lawrence Bliss  
House Chair

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

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The Following Communication:    S.C. 231

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

April 20, 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1030    An Act To Encourage Cogeneration

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

Sincerely,

S/Sen. Philip L. Bartlett II  
Senate Chair

S/Rep. Lawrence Bliss  
House Chair

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

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The Following Communication:    H.C. 209

April 25, 2007

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

Dear Secretary O'Brien:

Please be advised that pursuant to House Rule 201.1 (l)(a), the Speaker made the following changes to Committees of the 123rd Maine Legislature:

Representative Bonnie S. Gould of South Berwick was appointed to the Joint Standing Committee on Judiciary.

Representative Stacey Allen Fitts of Pittsfield was appointed to the Joint Standing Committee on Legal and Veterans Affairs.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

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**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

The Honorable Howard H. Dana, Jr., of Portland, on the occasion of his retirement from the Maine Supreme Judicial Court. Justice Dana was born in Portland and lives there with his wife Susan. He is a graduate of Bowdoin College, Cornell University and the University of Virginia. He began his legal career by clerking for United States District Court Judge Edward T. Gignoux in Portland from 1966 to 1967. From 1967 to 1993, he practiced law at the firm of Verrill and Dana in Portland. Justice Dana was appointed an Associate Justice of the Supreme Judicial Court by Governor John R. McKernan. He is a member of numerous professional organizations and is the recipient of many professional awards. He served his community by serving on the Cape Elizabeth School Board. We acknowledge his long and distinguished legal career and his contributions to his community, the State of Maine and to the Nation. We extend our congratulations to Justice Howard Dana on his retirement, and we send him our best wishes on his future endeavors;

SLS 160

Sponsored by Senator HOBBS of York.  
Cosponsored by Senators: BRANNIGAN of Cumberland,  
HASTINGS of Oxford, NUTTING of Androscoggin, STRIMLING of  
Cumberland, Representatives: ADAMS of Portland, BERUBE of

Lisbon, BRAUTIGAM of Falmouth, BRYANT of Windham, CASAVANT of Biddeford, Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, DUNN of Bangor, GOULD of South Berwick, HARLOW of Portland, HASKELL of Portland, HINCK of Portland, JACOBSEN of Waterboro, LORING of the Penobscot Nation, MARLEY of Portland, MILLS of Farmington, NASS of Acton, RAND of Portland, SIMPSON of Auburn.

**READ.**

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

Senator **HOBBS:** Thank you very much, Madame President, men and women of the Senate. It is a great honor and privilege that I stand before you to pay our respects and our good graces to Howard H. Dana, Jr. who is an associate member of the Maine Supreme Judicial Court on the occasion of his retirement. You read the Joint Order that we will be presenting to Justice Dana and to his wife, Suzie, and to his family who are here today. The order could go on for many pages about the distinguished career of this fine individual and jurist. There is one slight omission, which is not a slight omission from the words that were presented to you and will be adopted by both the House and Senate today. That is the tireless work that Justice Dana has done during his private practice and beyond in serving on the Supreme Judicial Court in the area of legal services for the poor, the elderly, and the disadvantaged. Justice Dana was appointed by President Ronald Reagan to serve on the Legal Services Corporation, which oversees the funding of such entities as Pine Tree Legal Assistance and other groups that provide services to the elderly, the poor, and the disadvantaged. Quite proudly, I might say, Justice Dana, then in private practice with the distinguished firm of Verrill and Dana, which carries his family's name, stood up in Washington and convincingly persuaded the President, the Congress, and all of the individuals who had decision making power that the drastic cuts that were proposed were unfair and unjust and would have been a devastation to the delivery of services to Maine's elderly, disadvantaged, and poor. It was because of his determination and his persuasiveness that the funding was restored, not once but twice, on two different occasions and because of that thousands of Maine citizens have been afforded access to justice here in the State of Maine. It's with great honor and privilege that I would ask the Senator from Oxford, Senator Hastings, and the Senator from Androscoggin, Senator Rotundo, to join me in presenting to Justice Dana this Joint Order once it's passed by this Body. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. I just have to rise quickly because I'm one of the few lawyers in the room that actually tried a case against Howard Dana when he was an attorney. He had the great pleasure of representing the Bangor and Aroostook Railroad in suing because a ship, that was some 600 feet long, had entered the berth at Mac Point in thick fog, so thick that you could not see the bridge, some 300 feet ahead, from the bow of the vessel. At some point they had a bow watch with headphones that were rigged up to the bridge. As they were very slowly proceeding the bow watch saw this pier loom up. The first time he saw the pier they were on top of it. They were right

on top of the pier and the vessel was proceeding into it. The whole pier was made of wood and it was falling apart, being pierced like with a can opener, as this enormous vessel proceeded, very slowly but inexorably, into the pier, creating driftwood out of this pier as it went. The bowman, who had to speak in English and wasn't accustomed to doing so, said, in a panicking way, 'All back ahead.' The people on the bridge were completely blind to the scene 300 feet ahead of them. The pilot was testifying on the witness stand and the inquiry from one of the attorneys was, 'What did you do in response to that ambiguous request?' He said, 'I backed 1/3.' Howard Dana stood up, and just as quick as a flash, said, 'And the P and A thanks you, sir.'

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the Chamber, Howard A. Dana and his wife, Susan Dana; their son and daughter-in-law, Thomas and Lorie Dana; their children, Wyatt and Chelsea Dana; and Matthew and Holly Dana and Evan Elizabeth Dana. Would they please rise and accept the greetings of the Maine Senate.

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

**ORDERS OF THE DAY**

**Unfinished Business**

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/25/07) Assigned matter:

An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County

I.B. 1 L.D. 805  
(S "A" S-37)

Tabled - April 25, 2007, by Senator **MITCHELL** of Kennebec

Pending - **ENACTMENT**, in concurrence  
(In Senate, April 11, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-37).**)

(In House, April 24, 2007, **PASSED TO BE ENACTED.**)

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

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)  
H.P. 41 L.D. 40

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** and **ACCEPTED**, in concurrence.

**READ ONCE.**

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

---

The Committee on **LABOR** on Bill "An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information"  
H.P. 643 L.D. 844

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government"  
H.P. 928 L.D. 1320

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Modify Daylight Savings Time According to Federal Statute"  
H.P. 1172 L.D. 1663

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 **TAXATION** on Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services (EMERGENCY)  
H.P. 537 L.D. 716

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** and **ACCEPTED**, in concurrence.

**READ ONCE.**

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

---

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Provide Access for Persons with Disabilities to Great Ponds  
H.P. 24 L.D. 21

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-82)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)**.

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

**READ ONCE.**

Committee Amendment "A" (H-82) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Concerning Applications Processed by the Maine Land Use Regulation Commission"  
H.P. 526 L.D. 695

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-95).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95).**

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

**READ ONCE.**

Committee Amendment "A" (H-95) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Certain Animal Health Laws"  
H.P. 731 L.D. 971

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-80).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80).**

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

**READ ONCE.**

Committee Amendment "A" (H-80) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species  
H.P. 1016 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-91).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91).**

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

**READ ONCE.**

Committee Amendment "A" (H-91) **READ** and **ADOPTED**, in concurrence.

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

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**THE PRESIDENT:** The Chair is pleased to be able to pause for a moment and recognize the Maine Legislative Memorial Scholarship 2007 winners. I will ask the Senator from Aroostook, Senator Martin, to come forward and as I give the name of the young person who has won this award and their Senator, if the two of them would arrive at the well at the same moment that would be helpful.

Androscoggin County, Emily Morin of Auburn, with Senator Snowe-Mellow and her family; her mother, Anne Morin, her father, Charles Morin, and her aunt, who is the Senator from Penobscot, Senator Plowman. She's going to the University of Maine at Farmington.

Cumberland County, Francis Huynh of South Portland, with Senator Bromley and his family; his father, Ca Huynh, and his mother, My Anh Huynh. He is going to Bowdoin College.

Franklin County, Samantha Jewell of New Sharon, with Senator Gooley and her mother, Tracy Jewell. She is attending the University of Maine at Orono.

Hancock County, Brian Billings of Deer Isle. Receiving the award for him today is his father, Glenn Billings with Senator Damon. Brian is going to the Maine Maritime Academy.

Knox County, Tanja Patterson of Owls Head, with Senator Savage and her husband, Keith Patterson. She is going to the University of Maine at Augusta.

Piscataquis County, Bethany Bartley of Greenville, with Senator Smith and her father, Woodie Bartley. She is attending Colby College.

Somerset County, Benjamin Sukeforth of Skowhegan, with Senator Mills and his parents, Connie and Gordon Sukeforth. He is attending the Kennebec Valley Community College.

I think we should give a round of applause to all the recipients. There are recipients who could not be here today, and we send them our best and our congratulations. Thank you all in the Legislature for providing this scholarship.

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The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **SAVAGE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHRISTINE R. SAVAGE** of Knox County.

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### ENACTORS

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

#### Act

An Act To Make Failure To Wear a Seat Belt a Primary Offense  
S.P. 22 L.D. 24  
(S "A" S-35)

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

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I did not speak on this bill before and I'd just like to put a few things on the record, if I may. What bothers me with this bill is that this went out to public referendum in the last century and the State of Maine kept this as a secondary offense. The language that came out of this Body says in Section 3A, which is the seat belt bill, that it would be enforced only if the law enforcement officer had detained the operator of a motor vehicle for suspected violation of another law. The operator is not subject to the penalty established in Paragraph D unless the operator is required to pay a fine for the primary violation. We talked about this. The time has come to put this back out to referendum again if we are so sure it's going to have some value. This did come back from the 122<sup>nd</sup> Legislature as an L.D., An Act To Amend the Law Governing the Use of Seat Belts. That came out of this Body as an Ought Not to Pass. There is a history here that bothers me. I did surveys the last time I was in the other Body and I sent out over 250 cards in District 8. I had two cards that said, 'Ain't never going to wear a seat belt again.' The rest of the people said, 'We wear the seat belt most of the time.' There are occasions when people forget. They want to pick up paint at Wal-Mart or something. They hop in, drive up the street, pop in and get the paint. It's an in and out kind of thing. We've had numbers given to us here about the lack of seat belts in terms of how many people using. Not even 77% actually use them. The survey that I had basically said most of the people use them most of the time. You hopped out for gas or you hopped out for food, you were going shopping from one place to another, you ended up maybe forgetting. I'm not inclined to allow this. I'd be careful here, because sometimes cars are stopped, in rural areas maybe. To me this is another excuse to

stop someone. I had a situation with my daughter, who worked at a Pizza Hut when she was in high school. She was driving home at 10 or 11 o'clock at night and she was stopped by a young gentleman on several occasions. One time it was for the seat belt and another time it was the issue of a taillight out or something. My take on this is that we had a referendum and the people said to make it secondary. I think if we make it a primary we are saying to the people in the State of Maine that we don't care what they did back in the 1990's. That time has gone by. People have forgotten, so let's make this mandatory. I'm going to vote Ought Not to Pass on this. Thank you.

---

The Chair noted the absence of the Senator from Kennebec, Senator **MARRACHÉ** and further excused the same Senator from today's Roll Call votes.

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**THE PRESIDENT PRO TEM:** The pending question before the Senate is Passage to be Enacted. 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 (#55)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, DAMON, DIAMOND, DOW, EDMONDS, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, ROSEN, ROTUNDO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT PRO TEM - CHRISTINE R. SAVAGE

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

EXCUSED: Senator: MARRACHE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **SAVAGE** to her seat on the floor.

Senate called to order by the President.

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

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Off Record Remarks

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I just wanted to take a moment and go on the record and speak very briefly about my seatmate, Senator Savage. There are a lot of things we do here that are really inconsequential. Her persistence in regards to this legislation, in my considered opinion and judgment, will save the lives of many Mainers and save them from injury on a go-forward basis. I do hope that 25 years from now the good Senator from Knox, Senator Savage, will look back and this will be one of the highlights of her career in public service. I want to thank her once again for her great work.

---

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault"

H.P. 191 L.D. 220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-93)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93)**.

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

**READ ONCE.**

Committee Amendment "A" (H-93) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority"

H.P. 132 L.D. 150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-92)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92)**.

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

**READ ONCE.**

Committee Amendment "A" (H-92) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Certification Requirements for Special-purpose School Teachers"

H.P. 734 L.D. 974

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-103)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103)**.

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

**READ ONCE.**

Committee Amendment "A" (H-103) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase College Attainment"

H.P. 758 L.D. 1040

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-104)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104)**.

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

**READ ONCE.**

Committee Amendment "A" (H-104) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Terms of Members of the Maine State Museum Commission"

H.P. 885 L.D. 1257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-105).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105).**

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

**READ ONCE.**

Committee Amendment "A" (H-105) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Access to HIV Testing in Health Care Settings"  
H.P. 345 L.D. 429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-90).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90).**

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

**READ ONCE.**

Committee Amendment "A" (H-90) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse"

H.P. 747 L.D. 987

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-110).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110).**

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

**READ ONCE.**

Committee Amendment "A" (H-110) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008" (EMERGENCY)

H.P. 594 L.D. 776

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100).**

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

**READ ONCE.**

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Recognize Gold Star Parents and Family Members"  
H.P. 60 L.D. 62

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84).**

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

**READ ONCE.**

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Eliminate the Fee To Operate High-stakes Beano"  
H.P. 74 L.D. 76

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

**READ ONCE.**

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Pertaining to Beano"  
H.P. 119 L.D. 127

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-115)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115)**.

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

**READ ONCE.**

Committee Amendment "A" (H-115) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to Liquor Samples"  
H.P. 469 L.D. 620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**.

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

**READ ONCE.**

Committee Amendment "A" (H-101) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Update Absentee Ballot Procedures" (EMERGENCY)  
H.P. 512 L.D. 663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-102)**.

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

**READ ONCE.**

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Create an Ownership Interest in Agency Liquor Store Licenses"  
H.P. 817 L.D. 1124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-116)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116)**.

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

**READ ONCE.**

Committee Amendment "A" (H-116) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **MARINE RESOURCES** on Bill "An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor"  
H.P. 754 L.D. 1036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**.

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

**READ ONCE.**

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **NATURAL RESOURCES** on Bill "An Act To Require a Model Radon Standard for New Residential Construction"

H.P. 101 L.D. 109

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-78).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78).**

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

**READ ONCE.**

Committee Amendment "A" (H-78) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **NATURAL RESOURCES** on Bill "An Act To Require Clear Warnings on Light Bulbs Containing Mercury"

H.P. 876 L.D. 1234

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97).**

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

**READ ONCE.**

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries"

H.P. 401 L.D. 523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-109).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109).**

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

**READ ONCE.**

Committee Amendment "A" (H-109) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Maine Civil War Sesquicentennial Commission

H.P. 809 L.D. 1091

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85).**

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

**READ ONCE.**

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Municipal Cost Sharing for County Services"

H.P. 828 L.D. 1135

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81).**

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

**READ ONCE.**

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **TRANSPORTATION** on Bill "An Act To Add the Combat Infantryman Badge to the Special Commemorative Decals for Veterans License Plates"

H.P. 379 L.D. 495

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-107).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107).**

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

**READ ONCE.**

Committee Amendment "A" (H-107) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **TRANSPORTATION** on Bill "An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers"

H.P. 561 L.D. 740

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98).**

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

**READ ONCE.**

Committee Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Driver's License Laws"

H.P. 612 L.D. 812

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-99).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-99).**

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

**READ ONCE.**

Committee Amendment "A" (H-99) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office (EMERGENCY)

H.P. 586 L.D. 765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-79).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79).**

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

**READ ONCE.**

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide an Energy Allowance to At-home Patients Using Ventilators"

H.P. 613 L.D. 813

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-89).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89).**

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

**READ ONCE.**

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Cable Television Service Outages"  
H.P. 781 L.D. 1063

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.

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

**READ ONCE.**

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish the Columbia Falls Village Water District"  
H.P. 921 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

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

**READ ONCE.**

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create a Utility District in Edgecomb"  
H.P. 974 L.D. 1382

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-113)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113)**.

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

**READ ONCE.**

Committee Amendment "A" (H-113) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Fryeburg Water District Charter" (EMERGENCY)  
H.P. 1165 L.D. 1656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-114)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)**.

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

**READ ONCE.**

Committee Amendment "A" (H-114) **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 Improve Landowner Relations"  
H.P. 277 L.D. 347

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

Signed:

Senators:

BRYANT of Oxford  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:

JACKSON of Allagash  
RICHARDSON of Carmel  
SAVIELLO of Wilton  
FINCH of Fairfield  
McLEOD of Lee  
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:

Representative:  
EBERLE of South Portland

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

Reports **READ**.

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

---

**Senate**

**Ought to Pass**

Senator DAMON for the Committee on **TRANSPORTATION** on  
Resolve, To Require an Engineering Study To Determine the  
Cost of Extending Rail Service from Portland to Fryeburg  
(EMERGENCY)

S.P. 106 L.D. 328

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 SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Consumers from Deceptive Insurance Solicitation"

S.P. 439 L.D. 1253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-57)**.

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

**READ ONCE**.

Committee Amendment "A" (S-57) **READ** and **ADOPTED**.

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

---

Senator DAMON for the Committee on **TRANSPORTATION** on  
Bill "An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality"

S.P. 335 L.D. 1018

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-56)**.

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

**READ ONCE**.

Committee Amendment "A" (S-56) **READ** and **ADOPTED**.

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

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

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**SECOND READERS**

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

**House**

Bill "An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers"

H.P. 464 L.D. 615

Bill "An Act To Clarify the Security Requirements for Self-insurers"

H.P. 751 L.D. 991

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

---

**House As Amended**

Bill "An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases"

H.P. 198 L.D. 227  
(C "A" H-76)

Bill "An Act To Define More Clearly Procedures by Which a Municipality Assesses Property"

H.P. 217 L.D. 261  
(C "A" H-75)

Bill "An Act To Require the Replacement of Trees Cut in Shoreland Areas"

H.P. 270 L.D. 340  
(C "A" H-77)

Bill "An Act To Amend the Laws Relating to Juveniles"  
H.P. 399 L.D. 521  
(C "A" H-73)

Bill "An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs"

H.P. 627 L.D. 830  
(C "B" H-62)

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

L.D. 1185

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**Senate As Amended**

Bill "An Act To Strengthen Rural Community Investment"  
S.P. 239 L.D. 790  
(C "A" S-52)

Bill "An Act To Improve Transportation for Veterans"  
S.P. 316 L.D. 999  
(C "A" S-55)

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

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: S.C. 232

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

April 25, 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 bills out "Ought Not to Pass":

L.D. 923 An Act To Prohibit the Surgical Removal of  
Vocal Cords in Dogs

An Act To Protect Dogs Tied Outside

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 233

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 25, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 247 An Act To Authorize a General Fund Bond  
Issue To Fight Global Warming through Energy  
Conservation

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

Sincerely,

S/Sen. Margaret Rotundo  
Senate Chair

S/Rep. Jeremy Fischer  
House Chair

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 234

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 25, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- |           |   |
|-----------|---|
| L.D. 146  | An Act To Enhance Self-defense  |
| L.D. 387  | An Act To Improve the Driver Education and Evaluation Programs                    |
| L.D. 778  | An Act To Enhance the Qualifications for a Concealed Firearms Permit              |
| L.D. 997  | An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles  |
| L.D. 1111 | An Act To Protect Children by Requiring Trigger Locks on Handguns                 |
| L.D. 1206 | An Act To Amend the Motor Vehicle Laws Concerning Work Licenses                   |
| L.D. 1411 | An Act To Amend the Auto Impoundment and Forfeiture Laws                          |
| L.D. 1490 | An Act To Reduce the Amount of Good Time That May Be Awarded to Certain Offenders |

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

Sincerely,

S/Sen. Bill Diamond  
Senate Chair

S/Rep. Stanley J. Gerzofsky  
House Chair

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 235

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

April 25, 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. 703  | An Act To Repeal the Tax on Private Nonmedical Institutions                                |
| L.D. 770  | An Act To Clarify Application of the Medical Marijuana Law BY REQUEST                      |
| L.D. 1120 | An Act To Amend MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005 |
| L.D. 1137 | An Act To Provide Payment for Homeless Respite Care Services through the MaineCare Program |
| L.D. 1146 | An Act To Promote Healthy Practices for MaineCare Members                                  |
| L.D. 1250 | An Act To Implement an Oral Health Capitation System for Children on MaineCare             |
| L.D. 1509 | Resolve, To Protect Nursing Facilities   |

L.D. 1536     Resolve, Directing the Department of Health and Human Services To Reform Maine's Noncategorical Medicaid Program

L.D. 1660     An Act To Provide One-time Funds To Leverage Private Funds To Strengthen Children and Families in Maine

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.**

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

**COMMUNICATIONS**

The Following Communication:     S.C. 236

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

April 25, 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. 49     Resolve, To Deny Family Status to Fetuses

L.D. 61     An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services

L.D. 279     An Act To Improve the Responsiveness of Guardians Ad Litem

L.D. 505     An Act To Clarify the Status of a Case following the Establishment of Permanent Guardianship

L.D. 1048     An Act To Provide Greater Permanency for Children in Child Protection Proceedings

L.D. 1126     An Act To Clarify the Status of Subsidy Payments to Guardians

L.D. 1388     An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem

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.**

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

**COMMUNICATIONS**

The Following Communication:     S.C. 237

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

April 25, 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. 1177     Resolve, To Establish the Commission on Retirement Policy Funding and Reform

L.D. 1285     An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board

L.D. 1436     Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees

L.D. 1492 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Incurring Any New Unfunded Liabilities for Retiree Health Benefits and To Require a 20-year Amortization of Public Retiree Benefits

L.D. 1603 An Act To Make Actuarially Fair Adjustments in Retirement Benefits for Older Employees

L.D. 1777 An Act for Fair Treatment of Workers BY REQUEST

L.D. 1832 An Act To Amend the Unemployment Compensation Laws

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.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 238

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

April 12, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1017 An Act To Protect Citizens' Privacy

We have also notified the sponsor and cosponsor 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.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 239

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

April 18, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1374 An Act To Require Expense Reporting by Municipalities and Counties

We have also notified the sponsor and cosponsor 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.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 240

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

April 25, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1276 An Act To Promote Funding for Wildlife
- L.D. 1485 An Act Relating to Automotive Core Parts
- L.D. 1571 An Act To Clarify the Tax Credit for Pollution-reducing Boilers

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

Sincerely,

S/Sen. Joseph C. Perry  
Senate Chair

S/Rep. John F. Piotti  
House Chair

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 241

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

April 25, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1160 Resolve, To Encourage the Development of Water Power To Provide for Maine's Energy Needs
- L.D. 1621 An Act To Ensure the Reliability of Communications Equipment in Certain Buildings

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

Sincerely,

S/Sen. Philip L. Bartlett II  
Senate Chair

S/Rep. Lawrence Bliss  
House Chair

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

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Off Record Remarks

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

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Off Record Remarks

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

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Off Record Remarks

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

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 1, 2007, at 10:00 in the morning.