

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Senate called to order by the President.

In Senate Chamber
Thursday
May 3, 2007

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

Prayer by Pastor Elizabeth Bailey Roberts of Bartlett Memorial
United Methodist Church in North Jay.

PASTOR ROBERTS: Let us be in the spirit of prayer. Gracious and loving God, on this National Day of Prayer we give thanks first of all for good weather and the beauty of Your creation springing to life all around us. We join with faithful people around this great nation to acknowledge Your power and to find comfort and hope in Your love. We come before You this day seeking to be led in the ways of peace and justice. Help us in our choices and decisions this day, that we may be guided to do that which is right and that which is good. Help the members of this Body, that they may have clear vision, as clear as the blue sky above us today. In the midst of the endless demands of this day, teach us how to take time to discern Your will and to seek Your grace. Amen.

Reading of the Journal of Wednesday, May 2, 2007.

Doctor of the day, John Joseph, MD of Brunswick.

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. 688

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 8, 2007 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

RECESSED until the sound of the bell.

After Recess

THE PRESIDENT: The Chair is very pleased to recognize on this auspicious day the former Senator President of the 111th session from 1982 to 1984, Gerard P. Conley, Sr. Would he please approach the Rostrum to give us his remarks.

GERALD CONLEY: Thank you, Madame President, for this opportunity to upset some of my former colleagues that are here today. Don't get excited now, Dick. It's always a pleasure to return to the State House. As I was saying earlier to somebody at the ceremony down at the other end of the hall, 'You were here quite a while, Gerry.' I said, 'Yes, if you count 20 years as being a long time then I was here a long time.' 'How did you like it?' I said, 'Obviously I enjoyed it.' The one thing that I always reminded people was that an overnight in Augusta was capital punishment. I really loved this Chamber. I got trained down in the other one for 4 years and came up here for 16 years. I had the finest Presiding Officers as President of the Senate that you could ever find; the Honorable Ken McCloud and the Honorable Joe Sewall. They were great gentlemen. They were not members of my political faith, but they were fair and they were just the greatest gentlemen that I served with throughout my period. I came back and knew it was Welcome Back Day when I first saw people that served with me back so many years ago. I see the former Speaker of the House is now the Assistant Majority Floor Leader. He is a dear friend of mine. He and I and the former Governor Joseph Brennan all pranced into Augusta for the 102nd legislature. Then Libby Mitchell came along, being the first lady to be elected to the Speakership of the House of Representatives and did an outstanding job. I'm so proud of her. Then I see my good friend Barry Hobbins. I think he's still here. Up back, never in his seat where he belongs. Then of course my good friend Bill Diamond, who is still here serving in the Senate. It is wonderful. This is the greatest institution in the world. I always say one thing to the Minority Party, keep your hopes up. There was nothing I enjoyed better in my entire life then being in that seat up there as a Minority Floor Leader. I drove the Majority Leaders crazy. That's your job. When we became the Majority Party we were more responsible. I was told that too. I had some great times. It's a great Welcome Back Day. I hope you all enjoy yourselves as much as I am enjoying mine. Again, Madame President, thank you very much for the opportunity.

THE PRESIDENT: The Chair is pleased to recognize former Senators who are here today from the earliest Senate session. There are four of them I'd like to read. Emile Jacques who was here in the 100th, 101st, and 102nd. Richard Berry who was here in the 103rd through the 107th and was the Majority Leader in the 105th and 106th. Gerard P. Conley, Sr., and Carroll E. Minkowsky. Would they all please rise and accept the greetings of the Maine Senate.

The female former Senator from the earliest session who is here today is Linda Curtis Brawn who first served in the 113th session, 1986 through 1988. Would she please rise and accept the greetings of the Maine Senate.

We'd like to recognize the former Senators with the longest overall legislative service. Ron Usher, 22 years of service in the House, 107th, 118th through 121st, and in the Senate the 108th

through 113th. Would he please rise and accept the greetings of the Maine Senate. The longest overall service by a woman Senator is Mary Small with 24 years of service, the 109th through the 116th in the House and the 117th through the 120th in the Senate. Would she please rise and accept the greetings of the Maine Senate.

I'd now like to read the names of the Senators and Staff that are attending today. As I read your name would you please stand. Former Senator John M. Kerry from the 110th and 113th. Former Senator Peggy A. Pendleton from the 118th through the 121st. Former Senator Chellie Pingree from 116th through 119th and the Majority Leader in the 118th and 119th. Former Senator Carolyn M. Gilman from the 121st. Former Senator Dana C. Hanley from the 116th and 117th. Former Senator Jane A. Amero from the 116th through 119th and the Assistant Majority Leader in the 117th and the Minority Leader in the 118th and 119th. Former Senator Anne M. Rand from the 117th through the 120th and Assistant Majority Leader in the 118th and 119th. Former Senator John J. O'Dea from the 116th and 117th, accompanied by Claire. Former Senator Richard D. Hewes from the 108th and Former Speaker of the House in the 106th. Former Senator Betty Lou Mitchell from the 118th through the 121st. Former Senator John D. Chapman from the 108th and 109th. Former Senator Howard M. Trotzky from the 107th through the 110th. Former Senator Edward M. Youngblood from the 120th and 121st. Former Senator Richard Ruhlin from the 117th through the 119th. Former Senator David L. Carpenter from the 114th through the 117th and the 120th and 121st, Assistant Minority Leader in the 116th. Former Senator Zachary E. Matthews from the 112th through the 115th. Former Senator Richard J. Carey from the 116th through the 119th. Former Senator Charles G. Dow from the 111th through the 113th. Former Senator Peter Danton from the 105th through the 112th, Assistant Minority Leader in the 107th and 108th. Edwin H. Pert, Secretary of the Senate for the 102nd, Robert G. Crockett, Sergeant-at-Arms for the 118th through the 121st. Mike Martin, Chamber Staff for the 122nd. O'Neil Boivin, Chamber Staff for the 119th. Mary Hawes, Calendar Clerk. Former Senator Pam Cahill from the 113th and former Secretary of the Senate in the 120th. Former Senator Edwin C. Randall from the 112th through the 114th. Former Senator Roland D. Martin from the 108th and 109th, who is now the Commissioner of Inland Fisheries and Wildlife. Is there anyone we missed in our calculations? Would you please stand and state your name and time of service?

I think we should give a round of applause to all the members who ever served in this illustrious Body. Just having walked in is our Former Senator Sharon Treat from the 118th through the 122nd.

At noon today the buffet lunch in the Hall of Flags will begin. It is prepared and catered by the students of the Southern Maine Technical College in South Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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)

In Senate, April 26, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-62), in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-62) AS AMENDED BY HOUSE AMENDMENT "A" (H-177) thereto, in NON-CONCURRENCE.**

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED and CONCURRED.**

Non-Concurrent Matter

Bill "An Act To Allow Legislative Pay To Be Set by the State Compensation Commission"

H.P. 1266 L.D. 1814

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

In House, April 10, 2007, **REFERRED** to the Committees on **STATE AND LOCAL GOVERNMENT AND LABOR.**

In Senate, April 11, 2007, on motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE.**

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

On motion by Senator **WESTON** of Waldo, the Senate **ADHERED.**

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 259

STATE OF MAINE ONE HUNDRED AND TWENTY THIRD LEGISLATURE JOINT SELECT COMMITTEE ON JOINT RULES

May 2, 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 Select Committee on Joint Rules has voted unanimously to report the following items out "Ought Not to Pass":

- L.D. 360 An Act To Identify the Methodology Used To Develop a Fiscal Note
- H.P. 267 Joint Order to Add Joint Rule 305-A, Research required on all bills and resolves referred to a Joint Standing Committee

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Stanley J. Gerzofsky
House Chair

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

SENATE PAPERS

Pursuant to Resolve Joint Standing Committee on Natural Resources

Senator MARTIN for the **Joint Standing Committee on Natural Resources**, pursuant to Resolve 2005, chapter 140, section 3 asked leave to report that the accompanying Bill "An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection"

S.P. 687 L.D. 1888

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

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

On motion by Senator **DAMON** of Hancock, the following Joint Order:

S.P. 689

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources shall review the options available for the long-term support of Maine's commercial groundfishing industry during the Second Regular Session of the 123rd Legislature; and be it further

ORDERED, that the joint standing committee is authorized to submit legislation based on its review of the options available for the long-term support of the commercial groundfishing industry to the Second Regular Session of the 123rd Legislature.

READ.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. This order comes about as a result of the difficulties that are being faced by the groundfishermen of Maine, those dragger fishermen. You perhaps recall that earlier in the session there was a bill before us to allow the landing of lobsters, non-trap caught lobsters. This was because there are such difficulties being faced by the dragger. We, in the Marine Resources Committee, have provided some short term fixes to this but there is a long term problem. This Joint Order seeks to address that problem and we seek your indulgence as we try to fix that. Thank you, Madame President.

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending the motion by Senator **DAMON** of Hancock to **PASS**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election (EMERGENCY)

H.P. 1304 L.D. 1871

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.

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

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Enhance Protection against Rabies in Wolf Hybrids"

H.P. 911 L.D. 1293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-141)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)**.

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

READ ONCE.

Committee Amendment "A" (H-141) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To End Fraud in Maine's Welfare Benefit Programs"

H.P. 150 L.D. 168

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-163)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163)**.

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

READ ONCE.

Committee Amendment "A" (H-163) **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 Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities"

H.P. 547 L.D. 726

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-161)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)**.

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

READ ONCE.

Committee Amendment "A" (H-161) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Support Community Planning for the Aging of the Population

H.P. 1170 L.D. 1661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-160)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-160)**.

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

READ ONCE.

Committee Amendment "A" (H-160) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources"

H.P. 549 L.D. 728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**.

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

READ ONCE.

Committee Amendment "A" (H-158) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Enhance Education Services for Blind and Visually Impaired Children"
H.P. 659 L.D. 870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-137).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137).**

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

READ ONCE.

Committee Amendment "A" (H-137) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated Members"
H.P. 660 L.D. 871

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-138).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138).**

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

READ ONCE.

Committee Amendment "A" (H-138) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation"

H.P. 851 L.D. 1158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-139).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139).**

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

READ ONCE.

Committee Amendment "A" (H-139) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Modify Lobster License Fees"
H.P. 522 L.D. 691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-154).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154).**

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

READ ONCE.

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change Building Requirements for County Buildings and Land"

H.P. 774 L.D. 1056

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148).**

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

READ ONCE.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Delay Implementation of Motor Vehicle Inspection Rules until Inspectors Have Rules in Hand for 5 Days"

H.P. 713 L.D. 938

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156).**

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

READ ONCE.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Establish an Agriculture Education Registration Plate"

H.P. 746 L.D. 986

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-157).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157).**

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

READ ONCE.

Committee Amendment "A" (H-157) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, To Name the Gray Connector

H.P. 993 L.D. 1410

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-155).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155).**

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

READ ONCE.

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Energy-generating Facilities"

H.P. 789 L.D. 1071

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-134).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134).**

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

READ ONCE.

Committee Amendment "A" (H-134) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Legal Services in Rural Maine"

H.P. 704 L.D. 929

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-147).**

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Strengthen Arts Education for All Maine Students"

H.P. 977 L.D. 1385

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-169).**

Signed:

Representative:

HARLOW of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)
H.P. 103 L.D. 111

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-86).**

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
BARSTOW of Gorham
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 To Pass as Amended by Committee Amendment "B" (H-87).**

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representative:

BOLAND of Sanford

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Reports **READ**.

On motion by Senator **BENOIT** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Resolve, Establishing a Commission To Develop Methods for the State To Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports

H.P. 309 L.D. 393

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

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
ADAMS of Portland
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-150)**.

Signed:

Representatives:

CURTIS of Madison
FLETCHER of Winslow

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Education Concerning and Insurance Coverage for Lyme Disease"

S.P. 544 L.D. 1521

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

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

READ ONCE.

Committee Amendment "A" (S-78) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Former Senator Michael Carpenter, who served here in the 108th to 112th. He was the Assistant Majority Leader in the 111th. We believe that's his daughter, Emily, with him. Would they please rise and accept the greetings of the Maine Senate.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools"

S.P. 172 L.D. 560

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

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

Signed:

Representative:

FINCH of Fairfield

Reports **READ**.

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act To Amend the Civil Foreclosure Laws"
H.P. 657 L.D. 868

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

House As Amended

Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission (EMERGENCY)
H.P. 538 L.D. 717
(C "A" H-120)

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

Senate As Amended

Bill "An Act To Protect Children's Health on School Grounds"
S.P. 67 L.D. 184
(C "A" S-73)

Bill "An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State"

S.P. 117 L.D. 373
(C "A" S-77)

Bill "An Act To Amend the Bond Requirements for Estates of Decedents"

S.P. 134 L.D. 433
(C "A" S-76)

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.

ENACTORS

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

Acts

An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992
S.P. 16 L.D. 41

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

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

An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species

S.P. 89 L.D. 252
(C "A" S-38)

An Act Relating to Alternate Directors for Public Waste Disposal Corporations

H.P. 245 L.D. 301
(C "A" H-64)

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

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

An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund

S.P. 137 L.D. 436

An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment

S.P. 144 L.D. 443
(C "A" S-50)

An Act Regarding the Protection and Advocacy Agency Advisory Council

S.P. 154 L.D. 467

An Act To Amend the Laws Relating to Juveniles

H.P. 399 L.D. 521
(C "A" H-73)

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

H.P. 464 L.D. 615

An Act To Amend the Laws Dealing with the Posting of Gas Prices

S.P. 208 L.D. 671
(C "A" S-45)

An Act To Allow Schools in the State To Self-insure for Fire, Property and Theft Insurance

S.P. 219 L.D. 682
(C "A" S-41)

An Act To Clarify That a Financial Institution Must Recognize a Writ of Execution To Satisfy a Creditor's Claims to Business Accounts Held by That Financial Institution

H.P. 518 L.D. 687
(C "A" H-70)

An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients

S.P. 228 L.D. 711
(C "A" S-49)

An Act To Ensure Equitable Geographic Representation on the State Board of Education

S.P. 240 L.D. 791
(C "A" S-43)

An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications

S.P. 281 L.D. 883
(C "A" S-40)

An Act To Clarify Certain Laws Related to Fire Safety

H.P. 671 L.D. 886

An Act To Make Technical and Supervisory Amendments to the Banking Laws

S.P. 292 L.D. 904
(C "A" S-34)

An Act To Permit the Sale of Certain Used Mercury-added Products

H.P. 691 L.D. 916
(C "A" H-65)

An Act To Clarify the Security Requirements for Self-insurers

H.P. 751 L.D. 991

An Act To Clarify the Use of Insurance Scores

H.P. 801 L.D. 1083
(C "A" H-72)

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 Support Maine's Free Clinics

S.P. 55 L.D. 144
(C "A" S-36)

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

An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

S.P. 209 L.D. 672
(C "A" S-42)

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

An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses

S.P. 273 L.D. 880
(C "A" S-39)

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

An Act To Increase Educational Opportunities in the Kennebec Valley Region

S.P. 286 L.D. 898
(C "A" S-44)

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

Resolves

Resolve, To Stimulate Tourism Development Projects
H.P. 403 L.D. 525
(C "A" H-69)

Resolve, To Name the Bridge on Route 201 in Jackman over the Moose River the Veterans Memorial Bridge
H.P. 423 L.D. 545

Resolve, To Study Maine's Agricultural Creative Economy Sector
H.P. 666 L.D. 876
(C "A" H-68)

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Make Health Care Affordable, Accessible and Effective for All"

H.P. 1322 L.D. 1890

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect the Lives and Health of Members of the Maine National Guard" (EMERGENCY)

H.P. 1321 L.D. 1889

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

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

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber former Senator Beverly Miner Bustin Hatheway who was here from the 110th to the 117th. She was the Assistant Majority Leader in the 116th and Assistant Minority Leader in the 117th. Would she please rise and accept the greetings of the Maine Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 40 L.D. 39

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 PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber former Senator Mary Small who we recognized earlier but now she's in the Chamber. Would she please rise and accept the greetings of the Maine Senate.

The Chair is also pleased to recognize in the rear of the Chamber Kimberly Gore, Special Assistant to the President's Office and Republican Office in the 117th and 118th. Would she please rise and accept the greetings of the Maine Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election"

H.P. 1293 L.D. 1857

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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

Emergency Resolve

Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election

H.P. 1304 L.D. 1871

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 2 Senators having voted in the negative, and 26 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.

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 (5/2/07) Assigned matter:

Bill "An Act To Fund Youth Conservation Education"
S.P. 57 L.D. 175
(C "A" S-61)

Tabled - May 2, 2007, by Senator **BRYANT** of Oxford

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-61)**

(In Senate, May 2, 2007, **READ A SECOND TIME.**)

On motion by Senator **BRYANT** of Oxford, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-61).

On further motion by same Senator, Senate Amendment "A" (S-79) to Committee Amendment "A" (S-61) **READ.**

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

Senator **BRYANT:** Thank you, Madame President and members of the Senate. All this amendment does is put the fiscal note on the bill that got left out when it came out of committee.

On further motion by same Senator, Senate Amendment "A" (S-79) to Committee Amendment "A" (S-61) **ADOPTED.**

Committee Amendment "A" (S-61) as Amended by Senate Amendment "A" (S-79) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-61) AS AMENDED BY SENATE AMENDMENT "A" (S-79) thereto.

Ordered sent down forthwith for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 8, 2007, at 10:00 in the morning.