

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
Wednesday
May 16, 2007

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

Prayer by Senator Joseph C. Perry of Penobscot County.

SENATOR PERRY: Heavenly Father, remind us each day that of
all the gifts You give us, the greatest gift is love. It is not enough
to share that love with those we hold dear. Open our hearts not
just to those who are close to us, but to all humanity. Let us be
slow to judge and quick to forgive, show patience, empathy, and
love. And in particularly please bless Senator Phil Bartlett and his
wife, Susan, as they are expecting the delivery of their first child.
May they all be safe and healthy and happy. Amen.

Reading of the Journal of Tuesday, May 15, 2007.

Off Record Remarks

The President appointed the Senator from Kennebec, Senator
MITCHELL, to serve as President Pro Tem for the session on
Thursday, May 17, 2007.

COMMUNICATIONS

The Following Communication: S.C. 297

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

May 14, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1637 An Act To Adopt the Uniform Emergency
Volunteer Health Practitioners Act

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

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 289

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

May 14, 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. 1031 An Act To Amend the Fingerprinting Law
(EMERGENCY)

L.D. 1201 An Act To Amend the Forfeiture and Property
Seizure Laws BY REQUEST

L.D. 1291 Resolve, To Create the Commission To Aid
Municipalities in Consolidating Public Safety
Organizations

L.D. 1405 An Act To Amend the Laws Governing the
Lawful Possession of Certain Scheduled Drugs

L.D. 1662 An Act To Authorize Judges To Mandate
Counseling for Juvenile 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.**

The Following Communication: S.C. 290

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

May 14, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1292 An Act To Ensure the Provision of Necessary
Conditions for Effective Education Reform

L.D. 1325 An Act To Ensure Adequate Funding for
Students of Alternative Schools

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 291

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

May 14, 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. 74 An Act To Exempt Certain Parents and
Caretakers from Jury Duty

L.D. 296 An Act To Amend the Laws Governing
Indemnification Agreements

L.D. 303 An Act To Strengthen the Whistleblowers'
Protection Act BY REQUEST

L.D. 843 An Act To Provide Immunity from Tort Claims
against the State of New Hampshire
Department of Transportation when Performing
Maintenance Operations within the State of
Maine

L.D. 1212 An Act To Exempt Nurse Practitioners and
Physician Assistants in Active Patient Care
from Jury Service

L.D. 1335 An Act To Minimize the Litigation Costs to
Municipalities Associated with Property Tax
Assessment Appeals

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 298

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

May 15, 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. 522 | An Act To Require the Posting of Proof of Workers' Compensation Insurance at Construction Sites |
| L.D. 541 | An Act To Encourage the Owners of Sole Proprietorships To Hire More Employees |
| L.D. 763 | An Act To Allow Early Retirement for Captains in the Maine State Ferry Service |
| L.D. 1406 | An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers |
| L.D. 1435 | An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services |
| L.D. 1569 | An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate |
| L.D. 1583 | An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire |

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 292

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 14, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|-----------|--|
| L.D. 383 | An Act To Amend the Landlord-tenant Laws |
| L.D. 1232 | An Act To Limit the Duration of the Placement of Campaign Signs |
| L.D. 1251 | An Act To Establish the Crime of Political Libel BY REQUEST |
| L.D. 1549 | An Act Concerning Voter Registration |
| L.D. 1561 | An Act To Eliminate the Placement of Campaign Signs on Public Property |
| L.D. 1562 | An Act To Restrict the Placement of Political Signs by Requiring Permission |
| L.D. 1783 | An Act To Require Photographic Identification in Order To Register To Vote (EMERGENCY) |
| L.D. 1882 | An Act To Clarify Certain Provisions in the Harness Racing Statutes |

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

Sincerely,

S/Sen. Lisa T. Marraché
Senate Chair

S/Rep. John L. Patrick
House Chair

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

The Following Communication: S.C. 293

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

May 14, 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. 128 Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers

L.D. 1551 An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers (EMERGENCY)

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. 294

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

May 14, 2007

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

Dear President Edmonds and Speaker Cummings:

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

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

L.D. 1464 An Act To Expand the Duties of the State Planning Office To Provide Additional Services to Municipalities

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

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

The Following Communication: S.C. 295

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

May 14, 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. 706 An Act To Support New Drivers

L.D. 906 An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency

L.D. 1609 An Act To Require the Review of Utility Pole Placement during Road Improvement

L.D. 1795 Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower

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.**

The Following Communication: S.C. 296

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

May 14, 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. 1331 | An Act To Encourage Community Wind Power Projects |
| L.D. 1346 | An Act To Enhance Maine's Energy Independence and Reduce Electricity Costs |
| L.D. 1644 | Resolve, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power |

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.**

SENATE PAPERS

Bill "An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism"
S.P. 707 L.D. 1907

Sponsored by Senator BRANNIGAN of Cumberland.
(GOVERNOR'S BILL)
Cosponsored by Representative GROSE of Woolwich.

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

Sent down for concurrence.

**Pursuant to Resolve
Joint Standing Committee on Natural Resources**

Senator MARTIN for the **Joint Standing Committee on Natural Resources**, pursuant to Resolve 2005, chapter 207 asked leave to report that the accompanying Bill "An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management"

S.P. 708 L.D. 1908

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY)

H.P. 38 L.D. 37

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217).**

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

READ ONCE.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Integrate Chronic Disease Prevention and Care into the MaineCare Program"

H.P. 544 L.D. 723

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-215).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215).**

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

READ ONCE.

Committee Amendment "A" (H-215) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Success of All Maine Families through Early Care and Education"

H.P. 576 L.D. 755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-216).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216).**

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

READ ONCE.

Committee Amendment "A" (H-216) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Explore Regionalization
H.P. 693 L.D. 918

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

Signed:

Senators:

BROMLEY of Cumberland
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
SILSBY of Augusta
SMITH of Monmouth
BEAUDETTE of Biddeford
CLEARY of Houlton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-226).**

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

MacDONALD of Boothbay
PRESCOTT of Topsham
RECTOR of Thomaston

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

Reports **READ.**

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Extend Fall Fishing Opportunities
H.P. 446 L.D. 579

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
FINCH of Fairfield
McLEOD of Lee
EBERLE of South Portland
WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham

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

Signed:

Representative:

SAVIELLO of Wilton

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.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"
H.P. 732 L.D. 972

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer

MAZUREK of Rockland
HOGAN of Old Orchard Beach
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-232)**.

Signed:

Representative:

THOMAS of Ripley

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

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Senate

Ought to Pass Pursuant to Joint Order

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Acquired Brain Injury Advisory Council"

S.P. 709 L.D. 1909

Reported that the same **Ought to Pass**, pursuant to Joint Order 2007, S.P. 699.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning Postpartum Mental Health Education"

S.P. 241 L.D. 792

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

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

READ ONCE.

Committee Amendment "A" (S-111) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Enhance Child Support Collections in Maine" (EMERGENCY)

S.P. 328 L.D. 1011

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

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

READ ONCE.

Committee Amendment "A" (S-112) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARRACHÉ for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Provide Notice to the General Public about Proposed Initiative Questions" (EMERGENCY)

S.P. 58 L.D. 176

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

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

READ ONCE.

Committee Amendment "A" (S-114) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Eleven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand the Scope of Practice of Certified Nursing Assistants To Include the Care of Feeding Tubes and Similar Devices"

S.P. 443 L.D. 1280

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-108)**.

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec

Representatives:

PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
MILLER of Somerville
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
FINLEY of Skowhegan
BEAUDOIN of Biddeford

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-109)**.

Signed:

Senator:

RAYE of Washington

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

LEWIN of Eliot

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (S-108)**.)

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108) ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-108) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights"
H.P. 477 L.D. 628

Bill "An Act To Ensure Retail Tobacco License Compliance"
H.P. 546 L.D. 725

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1278 L.D. 1831

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

House As Amended

Bill "An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws"
H.P. 376 L.D. 492
(C "A" H-205)

Bill "An Act to Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth"
H.P. 505 L.D. 656
(C "A" H-133)

Bill "An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses"
H.P. 680 L.D. 905
(C "A" H-202)

Bill "An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids"
H.P. 682 L.D. 907
(C "A" H-213)

Bill "An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services"
H.P. 694 L.D. 919
(C "A" H-212)

Bill "An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers"
H.P. 846 L.D. 1153
(C "A" H-211)

Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth (EMERGENCY)
H.P. 1092 L.D. 1567
(C "A" H-204)

Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)
H.P. 1234 L.D. 1768
(C "A" H-203)

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

Bill "An Act To Make Lobster Trap Molesting a Civil Offense"
H.P. 18 L.D. 16
(C "A" H-74)

READ A SECOND TIME.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Amend the Temporary Registration Plate Law"
H.P. 220 L.D. 264
(S "A" S-87 to C "A" H-127)

Bill "An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws"

H.P. 1157 L.D. 1648
(C "A" H-171)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores"
S.P. 269 L.D. 859

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"
S.P. 78 L.D. 241
(C "A" S-47)

Bill "An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs" (EMERGENCY)

S.P. 213 L.D. 676
(C "A" S-106)

Bill "An Act To Increase Funding for the Spaying and Neutering of Companion Animals"

S.P. 217 L.D. 680
(C "A" S-103)

Bill "An Act To Improve Health Standards in Piercing Procedures"
S.P. 405 L.D. 1217
(C "A" S-104)

Bill "An Act To Preserve and Grow Maine Small Businesses"
S.P. 478 L.D. 1364
(C "A" S-101)

Bill "An Act To Implement the Recommendations of the Working
Group on the State Purchasing Code of Conduct Laws"
S.P. 584 L.D. 1678
(C "A" S-102)

**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:

Emergency Measure

An Act To Fund Youth Conservation Education
S.P. 57 L.D. 175
(S "A" S-79 to C "A" S-61)

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

Emergency Measure

An Act To Implement the Recommendations of the Allagash
Wilderness Waterway Working Group
S.P. 497 L.D. 1419
(C "A" S-60)

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

Emergency Measure

An Act To Designate Certain Rules of the Board of Pesticides
Control as Major Substantive Rules
H.P. 1323 L.D. 1891

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 316, Long
Term Contracting and Resource Adequacy, a Major Substantive
Rule of the Public Utilities Commission
H.P. 729 L.D. 969
(C "A" H-178)

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

Acts

An Act To Enhance Screening for Breast Cancer
H.P. 93 L.D. 101
(C "A" H-181)

An Act to Prohibit the Use of Blackchin Shiners as Baitfish
H.P. 145 L.D. 163
(C "A" H-66)

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

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)

An Act To Amend the Bond Requirements for Estates of
Decedents

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

An Act To Amend the Child Support Laws
H.P. 372 L.D. 488
(C "A" H-174)

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

An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty

H.P. 450 L.D. 583
(C "A" H-172)

An Act Concerning Animal Control Officers as Reporters of Abuse

H.P. 451 L.D. 584
(C "A" H-173)

An Act To Improve the Super Pack License

S.P. 197 L.D. 605
(C "A" S-86)

An Act To Amend Maine's Abandoned Vehicle Laws

H.P. 515 L.D. 666
(C "A" H-165)

An Act To Clarify the Definition of "Personal Watercraft"

H.P. 673 L.D. 888
(C "A" H-153)

An Act To Amend the Maine Commercial Fertilizer Law

H.P. 792 L.D. 1074
(C "A" H-166)

An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit

S.P. 360 L.D. 1108
(C "A" S-90)

An Act To Amend the Charter of the Somerset Woods Trustees

S.P. 369 L.D. 1117

An Act To Keep Private Road Maintenance Costs Affordable

H.P. 893 L.D. 1265
(C "A" H-164)

An Act To Allow the Town of Kennebunk To Adjust the Definition of Original Assessed Value for the Route 1 Municipal Tax Increment Financing District

H.P. 945 L.D. 1336
(C "A" H-176)

An Act To Make Technical Changes to the Definition of "Coastal Area" and To Aid the Implementation of the Taunton Bay Resource Management Plan

S.P. 498 L.D. 1420
(C "A" S-85)

An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention

H.P. 1051 L.D. 1501
(C "A" H-140)

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

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 Require Alien Big Game Hunters To Be Accompanied by a Guide

H.P. 90 L.D. 98
(C "A" H-159)

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

An Act To Increase the State's Share of Retired Teachers' Health Insurance

H.P. 172 L.D. 201
(C "A" H-170)

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

An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey

H.P. 599 L.D. 783
(C "A" H-149)

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

An Act To Support Central Maine Community College

H.P. 684 L.D. 909
(C "A" H-146)

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

Resolves

Resolve, To Encourage the Use of Safe Chemicals in Public Schools

S.P. 32 L.D. 88
(C "A" S-84)

Resolve, To Preserve Maine's Electric Energy Infrastructure

H.P. 920 L.D. 1302

Resolve, Regarding Tobacco Cessation and Treatment
S.P. 499 L.D. 1421
(C "A" S-89)

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

Resolve, To Direct the Secretary of State To Study Issues
Related to Dealer Plates

S.P. 82 L.D. 245
(C "A" S-81)

On motion by Senator **MARTIN** of Aroostook, placed on the
SPECIAL STUDY TABLE, pending **FINAL PASSAGE**, in
concurrence.

Resolve, To Provide Education Concerning and Insurance
Coverage for Lyme Disease

S.P. 544 L.D. 1521
(C "A" S-78)

On motion by Senator **MARTIN** of Aroostook, placed on the
SPECIAL STUDY TABLE, pending **FINAL PASSAGE**, in
concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator BARTLETT for the Committee on **UTILITIES AND
ENERGY** on Bill "An Act To Harmonize State and Federal Laws
on Do-not-call Lists"

S.P. 655 L.D. 1837

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

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

READ ONCE.

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

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator MARTIN for the Committee on **NATURAL RESOURCES**
on Bill "An Act To Provide Additional Financing for Costs
Associated with the Remediation of a Waste Oil Site in Plymouth"
(EMERGENCY)

S.P. 686 L.D. 1887

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

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

READ ONCE.

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

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

COMMUNICATIONS

The Following Communication: S.C. 299

STATE OF MAINE ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON LEGAL AND VETERANS AFFAIRS

May 16, 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 Legal and Veterans Affairs has
voted unanimously to report the following bills out "Ought Not to
Pass":

- | | |
|----------|---|
| L.D. 636 | An Act To Create Optional Public Financing of
Legislative Leadership Elections |
| L.D. 854 | An Act To Extend Term Limits for the House of
Representatives |
| L.D. 994 | An Act To Make Minor Changes to the
Gambling Control Board Laws |

- L.D. 1328 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Frequency with which an Issue May Appear on the Ballot as a Result of a Direct Initiative
- L.D. 1362 An Act To Amend the Laws Governing Municipal Elections
- L.D. 1498 An Act To Prohibit Out-of-state Corporations from Contributing to State and County Elections
- L.D. 1522 An Act To Modify the Citizen Initiative Process
- L.D. 1898 An Act To Amend the Laws Pertaining to Lobbying

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

Sincerely,

S/Sen. Lisa T. Marraché
Senate Chair

S/Rep. John L. Patrick
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. 300

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

May 16, 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. 527 An Act To Expand Property Tax Benefits for Retired Citizens
- L.D. 567 An Act To Expand Tax Incentives for Conservation Easements

- L.D. 640 An Act To Assess Farm Buildings at Current Use Value
- L.D. 665 An Act Regarding the Calculation of Tree Growth Reimbursements to Municipalities (EMERGENCY)
- L.D. 1255 Resolve, To Return to J & L Discatio Corporation Money Paid by It to Maine Revenue Services
- L.D. 1412 RESOLUTION, To Amend the Constitution of Maine To Protect Senior Property Owners
- L.D. 1432 An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control
- L.D. 1433 An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes
- L.D. 1510 An Act To Provide an Income Tax Deduction for Health Insurance Premiums
- L.D. 1555 An Act To Remove the Tax-exempt Status on Land Purchased by Nonprofit Groups for Conservation
- L.D. 1559 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Freeze Property Tax Bills for Certain Residents 65 Years of Age or Older
- L.D. 1708 An Act To Exempt Persons 65 Years of Age or Older Whose Income Is Below the Poverty Line from Paying Property Taxes on Their Homes
- L.D. 1711 An Act To Reduce the Capital Gains Tax
- L.D. 1770 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases
- L.D. 1784 An Act To Authorize Municipal Property Tax Deferral Programs

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.**

Senate at Ease.

Senate called to order by the President.

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 (5/10/07) Assigned matter:

Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

H.P. 103 L.D. 111
(C "A" H-86)

Tabled - May 10, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **FURTHER CONSIDERATION**

(In House, May 2, 2007, Reports **READ**. The Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

(In Senate, May 8, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**, in **NON-CONCURRENCE**.)

(In House, May 9, 2007, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Off Record Remarks

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Thursday, May 17, 2007, at 10:00 in the morning.