

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 30, 2007

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

Prayer by Reverend Elizabeth Herrinton-Hodge of Leeds and
Hartford Presbyterian Community Churches.

REVEREND HERRINTON-HODGE: Good morning. I bring you
greetings from the Leeds and Hartford communities and the
churches that serve those communities and want to thank you for
your service and work on behalf of the citizens of the state. Let
us pray together.

Gracious and holy God, You call these men and women and
set them as leaders in the State of Maine. With this call comes
great responsibility and honor as well as work and respect. Bless
the leaders in this Body, that they might do their work faithful
to the conscience that You stir in them, that they might honor You
with the spirit of mercy and kindness and justice and fairness.
Help them to use their experience and authority to serve Your
people faithfully, to listen and deliberate, to negotiate and
compromise towards an end of promoting the general welfare of
Maine. Oh God, great Governor, we commend our state to Your
merciful care. Preserve her natural resources, protect her quality
and pace of life, and help us find ways to improve our schools
and strengthen our employment base, provide adequate and
assessable health care, and protect our land and people from
harm. You desire the best for Your people, oh God. Help us to
work for the best, with the power and insight and influence You
grant us. May we use these gifts wisely. May we be guided by
our conscience and heart to serve You and Your people. Amen.

Reading of the Journal of Tuesday, May 29, 2007.

Doctor of the day, Tamas Peredy, MD of Freeport.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Concerning Maine's Highway Safety Laws"
H.P. 1284 L.D. 1844
(C "A" H-270)

In Senate, May 24, 2007, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**, in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-270) AND
HOUSE AMENDMENT "A" (H-333)**, in **NON-CONCURRENCE**.

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

Joint Resolution

The following Joint Resolution:

H.P. 1348

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
CONGRESS AND THE FEDERAL COMMUNICATIONS
COMMISSION TO FOREGO IMPOSING A CAP ON FEDERAL
UNIVERSAL SERVICE FUND SUPPORT FOR MAINE'S RURAL
WIRELESS CARRIERS**

WE, your Memorialists, the Members of the One Hundred
and Twenty-Third Legislature of the State of Maine now
assembled in the First Regular Session, most respectfully present
and petition the United States Congress and the Federal
Communications Commission as follows:

WHEREAS, the federal Telecommunications Act of 1996
through the establishment of the Federal Universal Service Fund
was intended to promote the availability of quality services at just,
reasonable and affordable prices, increased access to advanced
telecommunications services throughout the Nation and the
availability of quality services to all consumers, including those in
low-income, rural, insular and high-cost areas, at rates that are
reasonably comparable to those charged in urban areas; and

WHEREAS, the intended goals of that legislation have not
been met in the State of Maine, and many of Maine's
communities have no wireless services or inadequate wireless
service; and

WHEREAS, the failure to achieve the goals of improved and
high-quality services has, and will continue to have, a direct and
substantial negative impact on the health and safety of the people
living and working in Maine's rural areas; and

WHEREAS, the failure to achieve this goal of high-quality
wireless services at just, reasonable and affordable rates to
everyone is a very significant barrier to the economic
development of much of rural Maine; and

WHEREAS, there are 2 rural wireless carriers in Maine that
have successfully sought certification as eligible
telecommunications carriers and have used the federal universal
service funding they have received to construct significant
additional wireless infrastructure in rural Maine; and

WHEREAS, the Maine Public Utilities Commission has certified that these Maine rural wireless carriers have used the funds received from the federal universal service fund in a manner consistent with all laws and regulations governing the funds; and

WHEREAS, the Federal-State Joint Board on Universal Service has recommended that the Federal Communications Commission impose a cap on funding for competitive eligible telecommunications carriers; and

WHEREAS, this recommended cap would limit Federal Universal Service Fund support for Maine's rural wireless carriers currently receiving these funds; and

WHEREAS, the proposed cap on funding would serve to undercut the purpose and objective of the federal Telecommunications Act of 1996 by impairing the ability of Maine's wireless eligible telecommunications carriers to expand infrastructure into rural Maine so that rural and urban wireless service is equal, as promised by that act; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the Federal Communications Commission reject the cap proposed by the Federal-State Joint Board on Universal Service; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress take action to repeal the cap if it is adopted by the Federal Communications Commission; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Kevin J. Martin, Chairman of the Federal Communications Commission, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 349

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

May 24, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 20-A, MRSA, Chapter 7, Section 603, I am pleased to appoint Senator Peter Bowman of York to the Education Commission of the States. He will be replacing Senator Elizabeth Mitchell of Kennebec.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 350

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

May 29, 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. 26 | An Act To Fund Transportation Projects |
| L.D. 53 | An Act To Provide a Tax Credit for College Education Costs When the Person Creates Jobs following Graduation |
| L.D. 80 | An Act To Make Changes to the Maine Residents Property Tax Program |
| L.D. 82 | Resolve, To Create a Study Commission To Evaluate the County Tax Structure |
| L.D. 131 | An Act To Provide Tax Relief to Working Families |
| L.D. 132 | An Act To Reform the Maine Tax Code |
| L.D. 157 | RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax |
| L.D. 158 | An Act To Allow a Local Option Sales Tax |

L.D. 174 An Act To Increase the County Share of the Real Estate Transfer Tax

L.D. 179 An Act To Make Changes to the Maine Residents Property Tax Program

L.D. 206 An Act To Provide an Inflation Adjustment to the Income Tax Exemption for Private, Public and Military Pensions

L.D. 207 An Act To Reduce the Meals and Lodging Tax

L.D. 263 An Act To Reduce the Property Tax Burden

L.D. 288 An Act To Increase the State Share of the Homestead Exemption to 70%

L.D. 298 An Act To Assist Higher Education Debt Reduction

L.D. 368 An Act To Encourage Employers To Defray the Cost of College for the Children of Their Employees

L.D. 394 An Act To Provide a Tax Benefit to Businesses That Invest in Quality Child Care

L.D. 422 An Act To Increase the State Income Tax Exemption for Retired Employees in the Maine State Retirement System and Other Pension Systems to the Same Level as That of Retirees under the Social Security System

L.D. 562 An Act To Adopt a Flat Corporate Income Tax

L.D. 566 An Act To Increase the Property Tax Exemption for Certain Veterans and Surviving Spouses

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.**

The Following Communication: S.C. 351

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

May 29, 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. 570 An Act To Authorize a Local Option Sales Tax To Reduce Property Taxes

L.D. 582 An Act To Create Fairness in Maine's Property Taxes

L.D. 623 An Act To Change the Standard State Tax Deduction for Married People Filing Jointly to \$10,000

L.D. 624 An Act To Increase the Maine Resident Homestead Property Tax Exemption Amount to \$25,000

L.D. 668 An Act To Reallocate Revenues from the Real Estate Transfer Tax (EMERGENCY)

L.D. 690 An Act Regarding the Sales Tax

L.D. 693 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads

L.D. 735 An Act To Provide an Income Tax Exemption for Active Duty Military Pay and Disability Military Pay

L.D. 761 An Act To Enable Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes

L.D. 762 An Act To Enhance a Community's Capacity To Support Affordable Housing

L.D. 786 An Act To Establish the Maine Land Bank and Community Preservation Program

L.D. 787 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership

L.D. 802 An Act To Ensure the Income Tax for Pensions Is Applied Fairly by Eliminating Reductions of Social Security and Railroad Benefits

- L.D. 811 An Act To Exempt Dietary Supplements from the Sales Tax
- L.D. 850 An Act To Reduce Taxes
- L.D. 877 An Act Regarding the Homestead Exemption as It Applies to Certain Housing Cooperatives
- L.D. 881 An Act To Create a Tax Break for Families That Make Less Than \$25,000 Annually

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.**

The Following Communication: S.C. 352

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

May 29, 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. 948 An Act To Provide Relief to Maine Residents from Postsecondary Tuition Costs
- L.D. 1002 An Act To Improve Access to and Awareness of the Circuitbreaker Program
- L.D. 1010 An Act To Ensure That Military Services Members Receive Deferment of Their Property Tax Obligations
- L.D. 1062 An Act To Provide Tax-exempt Status to Service Dog Trainers

- L.D. 1067 An Act To Require the Payment of Property Taxes before a Refund May Be Issued under the Circuitbreaker Program
- L.D. 1131 An Act To Establish a Sales Tax Rebate for Certain Vehicles
- L.D. 1145 An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property
- L.D. 1189 An Act To Expand the Maine Residents Property Tax Program
- L.D. 1193 An Act Regarding the Taxation of Income Derived from Out-of-state Trusts
- L.D. 1211 An Act To Decrease the Property Tax Rate
- L.D. 1243 An Act To Allow Local Administration of the Maine Residents Property Tax Program BY REQUEST
- L.D. 1307 An Act To Reduce Duplication of Paperwork for Fuel Distributors
- L.D. 1356 An Act To Provide a Tax Credit for Revitalization of Historic Mill Facilities
- L.D. 1376 An Act To Preserve Farmland and Timberland
- L.D. 1379 An Act To Create an Income Tax Stabilization Program
- L.D. 1380 An Act To Provide Income Tax Relief to Working and Middle-class Families
- L.D. 1434 An Act To Lower Maine Income Tax Rates

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.**

The Following Communication: S.C. 353

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

May 29, 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. 1478 An Act To Reduce County Tax on Certain Municipalities
- L.D. 1479 An Act To Clarify Responsibility for the Collection of Rental Taxes
- L.D. 1494 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reform Property Taxes by Limiting Increases
- L.D. 1557 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older
- L.D. 1588 An Act To Enact the 2007 Tax Reform and Tax Relief Act
- L.D. 1601 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Longtime Resident Tax Cap Program
- L.D. 1602 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Homestead Property Taxes
- L.D. 1610 An Act To Preserve Manufacturing in Maine
- L.D. 1613 An Act To Reduce Property Taxes through a Municipal Tax Deferral Program
- L.D. 1649 An Act To Establish a Local Option Real Estate Transfer Tax for Homestead Tax Relief
- L.D. 1652 An Act To Support County Corrections and Public Education
- L.D. 1665 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in the Property Tax Liability of Elderly Maine Residents
- L.D. 1671 An Act To Limit Homestead Property Taxes to 5% of Income
- L.D. 1712 An Act To Amend the Amount of the Child Care Tax Credit
- L.D. 1815 An Act To Create Jobs by Expanding Educational Opportunity for Maine Residents

L.D. 1905 An Act To Compute the Automobile Excise Tax Based on the Actual Purchase Price

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.**

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance"

H.P. 934 L.D. 1326

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 **JUDICIARY** on Bill "An Act To Clarify the Laws Governing Landowner Liability"

H.P. 886 L.D. 1258

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Certain Harness Racing Laws"

H.P. 914 L.D. 1296

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-287)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287) AND HOUSE AMENDMENT "A" (H-320)**.

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

READ ONCE.

Committee Amendment "A" (H-287) **READ**.

On motion by Senator **NUTTING** of Androscoggin, Committee Amendment "A" (H-287) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

House Amendment "A" (H-320) **READ** and **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President and men and women of the Senate. I just wanted to explain to the Body that the original committee amendment had the wrong fiscal note on it and when the other Body put the House Amendment they were supposed to take this off and didn't. That is what we've done now. We really haven't changed the bill, we just corrected it. Thank you.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Adjust the Milk Handling Fee"

H.P. 1030 L.D. 1468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-306)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306)**.

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

READ ONCE.

Committee Amendment "A" (H-306) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enhance Accountability in Future Tax Increment Financing"

H.P. 1031 L.D. 1469

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-299)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)**.

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

READ ONCE.

Committee Amendment "A" (H-299) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code"

H.P. 883 L.D. 1241

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-314)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-314)**.

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

READ ONCE.

Committee Amendment "A" (H-314) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Efficiency of the Maine Emergency Medical Services System"

H.P. 1283 L.D. 1841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-315).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-315).**

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

READ ONCE.

Committee Amendment "A" (H-315) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12"

H.P. 1247 L.D. 1785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-311).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311).**

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

READ ONCE.

Committee Amendment "A" (H-311) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1269 L.D. 1821

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-312).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312).**

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

READ ONCE.

Committee Amendment "A" (H-312) **READ.**

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-312), in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prepare All Maine Students for College, Career and Citizenship"

H.P. 1295 L.D. 1859

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-313).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313).**

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

READ ONCE.

Committee Amendment "A" (H-313) **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 End-of-life Care for Children with Terminal Illnesses"

H.P. 1231 L.D. 1765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-301).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301).**

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

READ ONCE.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community"

H.P. 1260 L.D. 1805

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-309).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309)**.

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

READ ONCE.

Committee Amendment "A" (H-309) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act"
H.P. 964 L.D. 1372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-303)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303)**.

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

READ ONCE.

Committee Amendment "A" (H-303) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety"

H.P. 902 L.D. 1274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**.

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

READ ONCE.

Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Clarify Comprehensive Planning and Land Use Ordinances"
H.P. 1258 L.D. 1803

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-300)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-300)**.

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

READ ONCE.

Committee Amendment "A" (H-300) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Exempt Vegetable Seeds and Fertilizer from the Sales Tax"
H.P. 1173 L.D. 1664

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-308)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308)**.

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

READ ONCE.

Committee Amendment "A" (H-308) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1268 L.D. 1816

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-307)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307)**.

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

READ ONCE.

Committee Amendment "A" (H-307) **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 Establish the Coyote Award Program"

H.P. 763 L.D. 1045

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-295).**

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 Not To Pass.**

Signed:

Representative:

EBERLE of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295).**

Reports **READ.**

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-295) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prohibit Maine from Participating in a National Identification Card System"

H.P. 831 L.D. 1138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-304).**

Signed:

Senators:

HOBBINS of York
NUTTING of Androscoggin
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
BRYANT of Windham
DUNN of Bangor
MILLS of Farmington
CASAVANT of Biddeford
BERUBE of Lisbon
JACOBSEN of Waterboro
NASS of Acton

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

Signed:

Representative:

DILL of Cape Elizabeth

(Representative **LORING** of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304).**

Reports **READ.**

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-304) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes"
H.P. 954 L.D. 1345

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

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
TUTTLE of Sanford
CLARK of Millinocket
HASKELL of Portland
JACKSON of Allagash
BURNS of Berwick
DRISCOLL 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-323).**

Signed:

Sensors:
SULLIVAN of York
DOW of Lincoln

Representatives:
HAMPER of Oxford
THOMAS of Ripley
DUPREY of Hampden
SYKES of Harrison

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase the Distance from a School within Which an Agency Liquor Store May Not Be Located"
H.P. 645 L.D. 846

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-289).**

Signed:

Sensors:
MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:
MOORE of Standish
WEDDELL of Frankfort
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford

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

Signed:

Senator:
PLOWMAN of Penobscot

Representatives:
PINKHAM of Lexington Township
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor
FITTS of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289) AS AMENDED BY HOUSE AMENDMENT "A" (H-305)** thereto.

Reports **READ**.

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

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods"
H.P. 723 L.D. 963

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
THOMAS of Ripley
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-310).**

Signed:

Representative:

MARLEY of Portland

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Human Rights Act"
S.P. 222 L.D. 685

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-162).**

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

READ ONCE.

Committee Amendment "A" (S-162) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Accord and Satisfaction Laws To Add Juveniles"

S.P. 226 L.D. 709

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

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

READ ONCE.

Committee Amendment "A" (S-163) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act Regarding Jury Service"

S.P. 573 L.D. 1629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-164).**

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

READ ONCE.

Committee Amendment "A" (S-164) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006"

S.P. 633 L.D. 1789

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-165).**

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

READ ONCE.

Committee Amendment "A" (S-165) **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 Repeal Term Limits for Legislators"

S.P. 27 L.D. 42

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167).**

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

READ ONCE.

Committee Amendment "A" (S-167) **READ.**

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-167).

Senator MARRACHÉ for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License"

S.P. 500 L.D. 1422

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-168).**

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

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Improve Road Safety and Update Bicycling Laws"

S.P. 643 L.D. 1808

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166).**

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

READ ONCE.

Committee Amendment "A" (S-166) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committees on **STATE AND LOCAL GOVERNMENT AND BUSINESS RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote County-based Economic Development Efforts"

S.P. 324 L.D. 1007

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc
COURTNEY of York

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
SCHATZ of Blue Hill
BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
SMITH of Monmouth
PRESCOTT of Topsham
RECTOR of Thomaston
CLEARY of Houlton
SILSBY of Augusta

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

Signed:

Representatives:

WEAVER of York
BEAUDETTE of Biddeford
HAYES of Buckfield
COTTA of China

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-160) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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 As Amended

Bill "An Act To Amend the Laws Governing Reimbursement of Nursing Facilities"

H.P. 1178 L.D. 1669
(C "A" H-292)

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

Senate

Bill "An Act To Seek Direct Voter Approval To Exceed Government Spending Limits"

S.P. 562 L.D. 1618

READ A SECOND TIME.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

Senate As Amended

Bill "An Act To Enact the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education"

S.P. 45 L.D. 137
(C "A" S-158)

Bill "An Act To Allow the Widening of a Portion of the Maine Turnpike"

S.P. 103 L.D. 320
(C "A" S-150)

Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

S.P. 230 L.D. 713
(C "A" S-129)

Bill "An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses"

S.P. 235 L.D. 768
(C "A" S-154)

Bill "An Act To Require Owners of Utility Facilities To Accommodate the Installation of Traffic Control Signals and To Permit the University of Maine System To Construct Lines on Public Rights-of-way" (EMERGENCY)

S.P. 474 L.D. 1360
(C "A" S-153)

Bill "An Act To Clarify the Department of Audit's Municipal Internal Control Observation Program"

S.P. 510 L.D. 1462
(C "A" S-156)

Bill "An Act To Prevent Elder Prescription Drug Abuse"
S.P. 511 L.D. 1463
(C "A" S-159)

Bill "An Act To Amend the Staffing and Reporting Requirements for the Citizen Trade Policy Commission"

S.P. 542 L.D. 1519
(C "A" S-155)

Bill "An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods"

S.P. 578 L.D. 1673
(C "A" S-149)

Bill "An Act To Establish the Town Academy Advisory Council"

S.P. 601 L.D. 1694
(C "A" S-157)

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

S.P. 656 L.D. 1840
(C "A" S-148)

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 Provide Notice to the General Public about Proposed Initiative Questions

S.P. 58 L.D. 176
(C "A" S-114)

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 Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission

H.P. 592 L.D. 774
(C "A" H-252)

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 Support the Commercial Groundfish Industry

H.P. 646 L.D. 847
(C "A" H-278)

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

Emergency Measure

An Act To Enhance Child Support Collections in Maine

S.P. 328 L.D. 1011
(C "A" S-112)

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 Concerning the Practice of a Deceased or Incapacitated Dentist

S.P. 382 L.D. 1194
(C "A" S-118)

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 Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts

H.P. 965 L.D. 1373
(C "A" H-273)

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 Concerning Harness Racing Association Funding

H.P. 991 L.D. 1408
(C "A" H-243)

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 Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License

H.P. 1302 L.D. 1870
(C "A" H-279)

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 Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth

S.P. 686 L.D. 1887

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 Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites

H.P. 268 L.D. 334

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.

Emergency Resolve

Resolve, To Ensure Proper Levels of Care for the Elderly and the Disabled

S.P. 112 L.D. 339
(C "A" S-117)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Lake and Pond Water Levels, a Major Substantive Rule of the Department of Environmental Protection

H.P. 728 L.D. 968
(C "A" H-253)

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.

Emergency Resolve

Resolve, Directing the Department of Transportation To Expend Funds for Fisheries and Waterfront Initiatives

H.P. 847 L.D. 1154
(C "A" H-244)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection

H.P. 1277 L.D. 1830

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 Place Land in Centerville in Trust

H.P. 71 L.D. 73
(C "A" H-239)

An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act

H.P. 86 L.D. 94
(C "A" H-240)

An Act To Include Student Representation on the State Board of Education

H.P. 133 L.D. 151
(C "A" H-271)

An Act To Place Land in Township 21 in Trust

H.P. 151 L.D. 169
(C "A" H-241)

An Act To Create a Nonresident Lobster and Crab Landing Permit

H.P. 255 L.D. 311
(C "A" H-257)

An Act To Establish an Apprenticeship Hunter License Program

H.P. 370 L.D. 486
(C "A" H-238)

An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators

H.P. 656 L.D. 867
(C "A" H-242)

An Act To Enhance the Newborn Hearing Program
H.P. 835 L.D. 1142

An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board

H.P. 864 L.D. 1183
(C "A" H-264)

An Act To Clarify Intermittent Leave under the Family Medical Leave Laws

H.P. 889 L.D. 1261

An Act To Make Technical Changes to Maine's Aquaculture Statutes

H.P. 992 L.D. 1409
(C "A" H-251)

An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance

H.P. 1036 L.D. 1474
(C "A" H-236)

An Act Relating to Bad Check Enforcement Programs Operated by Private Entities

H.P. 1038 L.D. 1476

An Act To Facilitate and Promote Regional Cooperation
H.P. 1218 L.D. 1735
(C "A" H-265)

An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics

S.P. 620 L.D. 1753
(S "A" S-113)

An Act To Harmonize State and Federal Laws on Do-not-call Lists
S.P. 655 L.D. 1837

An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992

H.P. 1297 L.D. 1861

An Act To Establish the Acquired Brain Injury Advisory Council
S.P. 709 L.D. 1909

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 Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases

H.P. 69 L.D. 71
(C "A" H-248)

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

An Act To Support Efforts To Attract and Retain Young People in the State's Workforce

H.P. 571 L.D. 750
(C "A" H-247)

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

An Act To Improve the Historic Preservation Tax Credit
S.P. 259 L.D. 816
(C "A" S-115)

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

An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax

H.P. 712 L.D. 937
(C "A" H-283)

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

An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring

H.P. 1285 L.D. 1845
(C "A" H-254)

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

An Act To Authorize Nonprofit Organizations To Conduct Tournament Games

H.P. 677 L.D. 892
(C "A" H-267)

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Provide Oversight for Crematoriums

H.P. 907 L.D. 1289
(C "A" H-276)

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

Resolves

Resolve, Regarding the Reentry of Electric Utilities into the Energy Supply Business

H.P. 329 L.D. 413
(C "A" H-280)

Resolve, To Direct the Department of Health and Human Services To Review and Report on Efforts Concerning Postpartum Mental Health Education

S.P. 241 L.D. 792
(C "A" S-111)

Resolve, To Increase Fairness in Medical Payments

H.P. 823 L.D. 1130
(C "A" H-250)

Resolve, Regarding the Training Curriculum and Skills of Certified Nursing Assistants

S.P. 443 L.D. 1280
(C "A" S-108)

Resolve, Regarding Alternative Fuel Incentives To Stimulate the Production, Distribution and Use of Biofuels

H.P. 956 L.D. 1347
(C "A" H-268)

Resolve, To Ensure the Success of Regional Climate Change Efforts

H.P. 973 L.D. 1381
(C "A" H-274)

Resolve, To Promote Energy Conservation in Schools

H.P. 1175 L.D. 1666
(C "A" H-281)

Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language

H.P. 1238 L.D. 1780
(C "A" H-275)

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools

H.P. 1314 L.D. 1880
(C "A" H-284)

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

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

H.P. 501 L.D. 652
(C "A" H-237)

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

Resolve, To Improve Landowner Relations

H.P. 1151 L.D. 1642
(C "A" H-233)

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

Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services

H.P. 737 L.D. 977
(C "A" H-249)

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

Senate at Ease.

Senate called to order by the President.

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 Measure

An Act Concerning Licensure as a Master Well Driller or a Master Pump Installer

S.P. 367 L.D. 1115
(C "A" S-127)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

Off Record Remarks

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

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until 11:40 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase the Distance from a School within Which an Agency Liquor Store May Not Be Located"

H.P. 645 L.D. 846

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-289)** (7 members)

Minority - **Ought Not To Pass** (6 members)

Tabled - May 30, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 29, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289) AS AMENDED BY HOUSE AMENDMENT "A" (H-305)** thereto.)

(In Senate, May 30, 2007, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I stand to oppose the pending motion.

This bill was brought before us by a legislator who is from Boothbay Harbor and asked to have liquor stores no longer be able to be within 750 feet of a school. Right now it's a 300 foot limit. Upon examination by the Department of Public Safety it was found that the school was even further away than 750 feet from the liquor store, which by the way just became an agency liquor store, for 20 years it had sold beer and wine. When the issue went away, the next thing that happens is we need a study. What this bill asks for is a study to determine marketing practices of agency liquor stores. It asks the Department of Public Safety to just go in and take a look around. It is not a legislative study. I'm not even sure if we can define exactly what they are supposed to do. I know that the Department has a current position that's empty, the position that would be looking at this. You are also asking the Department to bring together two groups of people to find some common ground. I would describe one group as the business industry and the other group as the people who would rather that prohibition still existed in the State of Maine. I don't think that you can bring those two groups together and find common ground. I think this is an imposition on the Department, where they are going to be put in an impossible position of trying to facilitate two very diverse groups in a discussion that probably isn't even in their venue. It's also a department that is struggling to meet all of the other mandates that we've put on them over the years, especially considering that they are now responsible for all of the agency liquor stores, any kind of gambling outside of the racino, and a number of things that just came out of our committee. I would ask you not to support this. It's sort of a feel good thing that actually creates more work and will have very little tangible results. I'm sure that there are other things that the Department of Safety can do with their time. I ask you to vote against this and adopt the Ought Not to Pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President and men and women of the Senate. I stand to ask your support for the pending motion. This bill basically was changed to resolve and asks the Department of Public Safety to look at whether the placement of alcohol and the marketing associated with it was anywhere near other items on the shelves that might be marketed towards those under 21. They wanted to make sure that if you are bringing children or young people into a particular area of the store that they are not also getting unforeseen marketing for spirits as well. This policy, as you can see if you look up the amendment, satisfies the intent of public policy goals of preventing youth access to alcohol and of adequate licensing and enforcement. The Department also started during our hearing that they were willing to take up this study and they were not opposed to it. Thank you.

The Chair ordered a Division. 20 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-289) **READ**.

House Amendment "A" (H-305) to Committee Amendment "A" (H-289) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-289) as Amended by House Amendment "A" (H-305) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Repeal Term Limits for Legislators"

S.P. 27 L.D. 42

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-167)**

Tabled - May 30, 2007, by Senator **WESTON** of Waldo

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-167)**

(In Senate, May 30, 2007, Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-167) **READ.**)

At the request of Senator **WESTON** of Waldo a Division was had. 21 Senators having voted in the affirmative and 8 Senators having voted in the negative, Committee Amendment "A" (S-167) **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

An Act To Authorize Nonprofit Organizations To Conduct Tournament Games

H.P. 677 L.D. 892
(C "A" H-267)

Tabled - May 30, 2007, by Senator **WESTON** of Waldo

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267)**, in concurrence.)

(In House, May 29, 2007, **PASSED TO BE ENACTED.**)

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

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. If I may pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **STRIMLING:** Thank you, Madame President. If somebody could just explain what the tournament games are?

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President. Tournament games are games that you can play that non-profit organizations are putting on where you can put in a certain amount of money, I believe it's Texas Hold'em games. They currently are doing some of them. They want to make sure they are doing them legally, so we are allowing that to happen.

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#94)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: MILLS, NASS, ROTUNDO, SMITH, SNOWE-MELLO, TURNER

ABSENT: Senator: BENOIT

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Provide Oversight for Crematoriums
H.P. 907 L.D. 1289
(C "A" H-276)

Tabled - May 30, 2007, by Senator **WESTON** of Waldo

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)**, in concurrence.)

(In House, May 29, 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase the Number of Androscoggin County Commissioners"

H.P. 1349 L.D. 1916

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Bill "An Act To Adjust the State Valuation of Boothbay Harbor"

H.P. 1350 L.D. 1917

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/29/07) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Wild Trout from Exotic Species"

H.P. 799 L.D. 1081

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-269)** (2 members)

Tabled - May 29, 2007, by Senator **MITCHELL** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 24, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)**.)

(In Senate, May 29, 2007, Reports **READ**.)

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#95)

YEAS: Senators: BARTLETT, BRANNIGAN, BRYANT, GOOLEY, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, PLOWMAN, SAVAGE, SMITH, TURNER, WESTON

NAYS: Senators: BOWMAN, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, ROTUNDO, SCHNEIDER, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BENOIT

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Off Record Remarks

Senator **BRANNIGAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

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

Senator **BROMLEY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Thursday, May 31, 2007, at 10:00 in the morning.