

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Third Legislature  
State of Maine

Daily Edition

First Regular Session  
December 6, 2006 to June 21, 2007

Pages 1 - 1266

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

In Senate Chamber  
Thursday  
May 31, 2007

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

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Prayer by Rabbi Raymond Krinsky of Beth Israel Congregation in  
Waterville.

**RABBI KRINSKY:** Oh Mighty God, we pray Your blessing upon  
our Senators as they enact laws that advance the progress of our  
state and further the potential of its inhabitants. May knowledge  
guide their deliberations and wisdom inspire their decisions. May  
they be strong in convictions and courageous in compromise.  
May they enjoy the luxury of idealism unfettered and appreciate  
the value of power restrained. May they pursue justice with  
passion and clothe her with mercy. May they deal  
compassionately with that great challenge to government, its  
responsibility to care for the governed. May we, who summoned  
them to this chamber, remain concerned citizens involved in the  
affairs of our communities and responsive to the contributions of  
our legislators. Amen.

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Reading of the Journal of Wednesday, May 30, 2007.

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.P. 718

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

May 30, 2007

Sen. Elizabeth M. Schneider  
Senate Chair, Joint Standing Committee on State and Local  
Government  
Rep. Christopher R. Bartow  
House Chair, Joint Standing Committee on State and Local  
Government  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Schneider and Representative Barstow:

Please be advised that Secretary of State Matthew Dunlap has  
nominated David R. Cheever of Augusta for appointment as the  
State Archivist.

Pursuant to Title 5 M.R.S.A. § 93, this nomination will require  
review by the Joint Standing Committee on State and Local  
Government and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED to the Committee on STATE AND  
LOCAL GOVERNMENT.**

Sent down for concurrence.

---

The Following Communication: S.C. 366

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

May 25, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- |           |  |
|-----------|--|
| L.D. 183  | An Act To Protect Consumers in the Home<br>Appraisal Process   |
| L.D. 428  | An Act To Conserve Energy in Maine<br>Households   |
| L.D. 575  | An Act To Expand Jurisdictions of Municipal<br>Housing Authorities   |
| L.D. 855  | An Act To Require the Maine State Housing<br>Authority To Perform a Comprehensive<br>Resource and Needs Assessment for Housing<br>for Special Needs Populations That Are Not<br>Homeless |
| L.D. 1802 | An Act To Ensure Public Benefit from<br>Investments in Taxpayer Financed Research  |

L.D. 1872 An Act To Preserve Maine's Quality Places

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. 354

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

May 25, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- |           |   |
|-----------|---|
| L.D. 45   | An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders                        |
| L.D. 147  | An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer      |
| L.D. 191  | An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age                      |
| L.D. 351  | An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders                           |
| L.D. 815  | An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison |
| L.D. 1229 | An Act To Prohibit Sex Offenders from Areas around Schools  |

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. 355

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

May 30, 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. 408  | An Act To Make the Prison Industry Program More Effective |
| L.D. 1605 | An Act To Protect School Athletic Contest Officials       |

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. 356

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

May 30, 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. 1638     Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law (EMERGENCY)

L.D. 1766     An Act To Amend the Authorization Procedures for Certain Municipal and School Budgets

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. 357

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

May 30, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1820     An Act To Create a Program To Implement Choice of Health Plans in the MaineCare Program and Amend the MaineCare Program

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

Sincerely,

S/Sen. Joseph C. Brannigan  
Senate Chair

S/Rep. Anne C. Perry  
House Chair

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

---

The Following Communication:     S.C. 358

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 30, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 116     An Act To Adjust Fees for Certain Resident and Nonresident Licenses, Registrations and Permits Issued by the Department of Inland Fisheries and Wildlife

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

Sincerely,

S/Sen. Bruce Bryant  
Senate Chair

S/Rep. Troy D. Jackson  
House Chair

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

The Following Communication: S.C. 359

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 30, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1334 Resolve, To Establish a Task Force To Study Strategies To Promote Financial Literacy

L.D. 1389 An Act To Provide for Prompt Resolution of Insurance Claims

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

Sincerely,

S/Sen. Nancy B. Sullivan  
Senate Chair

S/Rep. John R. Brautigam  
House Chair

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

The Following Communication: S.C. 360

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

May 30, 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 bill out "Ought Not to Pass":

L.D. 1415 An Act Regarding the Right of a Person To Appeal from the Action of a State Agency

We have also notified the sponsor and cosponsors 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. 361

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

May 25, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1272 An Act To Repeal Certain Unemployment Benefit Disqualifications

L.D. 1604 An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members

L.D. 1653 An Act To Prevent Real Minimum Wages from Falling

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. 362

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

May 23, 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 bill out "Ought Not to Pass":

L.D. 1417 An Act To Assist in the Cleanup of Waste Motor  
Oil Disposal Sites

We have also notified the sponsor and cosponsors 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. 363

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

May 25, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1685 Resolve, To Develop a Comprehensive Water  
Use Plan for Maine

L.D. 1825 An Act To Amend the Groundwater Oil Clean-  
up Fund BY REQUEST

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. 364

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

May 23, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1705 Resolve, To Study the Enactment Procedures  
for Municipal Ordinances

We have also notified the sponsor and cosponsors 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. 365

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

May 30, 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. 879 An Act To Authorize a Local Option Homestead Exemption BY REQUEST
- L.D. 945 An Act To Require the State's Share of Local Aid to Education To Be Used for Property Tax Relief
- L.D. 962 An Act To Reform and Lower Maine Taxes
- L.D. 1095 An Act To Enhance the Maine Residents Property Tax Program
- L.D. 1242 An Act To Increase Relief Provided under the Homestead Property Tax Exemption BY REQUEST
- L.D. 1444 An Act To Index the Veterans' Property Tax Exemptions to the Cost of Living
- L.D. 1457 An Act To Preserve Home Ownership in the State by Reducing the Property Tax Burden
- L.D. 1458 An Act To Reduce the Income Tax Burden on Maine Residents
- L.D. 1459 An Act Concerning Spending Caps

- L.D. 1481 An Act To Provide Tax Relief to Middle-income Residents through the Maine Residents Property Tax Program
- L.D. 1560 An Act To Rebalance Maine's Tax Code
- L.D. 1579 An Act To Increase Fairness in Municipal Spending Caps
- L.D. 1581 An Act To Promote Economic Recovery in Maine
- L.D. 1631 An Act To Cut Taxes for Working-income Mainers
- L.D. 1646 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to the Elderly and Disabled
- L.D. 1670 An Act To Promote Tax Fairness
- L.D. 1731 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Tax Nonprimary Residences at a Higher Rate
- L.D. 1732 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Surtax on Property with a Value over \$400,000
- L.D. 1756 An Act To Make Real Estate Taxation Stable, Equitable and Predictable

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.**

---

**ORDERS**

**Joint Order**

On motion by Senator **MITCHELL** of Kennebec, under unanimous consent, on behalf of President **EDMONDS** of Cumberland, the following Joint Order:

S.P. 717

ORDERED, the House concurring, that the Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults is established as follows.



1. Commission established. The Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members:

A. Two members of the Senate, who may not be from the same political party, appointed by the President of the Senate;

B. Five members of the House of Representatives, of whom no more than 2 may be from the same party, appointed by the Speaker of the House of Representatives;

C. One representative of a low-income advocacy group, appointed by the President of the Senate;

D. One representative of the Maine Educational Opportunity Center, appointed by the President of the Senate;

E. One representative of a public higher education system with expertise in financial aid and access programs, appointed by the President of the Senate;

F. One representative of a statewide organization representing the economic interests of women, appointed by the Speaker of the House of Representatives;

G. One representative of a statewide organization with expertise in economic policy analysis, especially relating to challenges faced by low-wage, low-skilled adults, appointed by the President of the Senate; and

H. One employer with experience in, and who has demonstrated support of, educational programs for employees, appointed by the Speaker of the House of Representatives.

The commission may invite the participation and input of the Commissioner of Labor or the commissioner's designee.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall study and make recommendations on ways to assist low-wage, low-skilled adults to overcome barriers to obtaining postsecondary degrees or occupational credentials to achieve the goals of improving the economy of the State and increasing the number of workers who earn a family-sustaining wage. In performing its duties, the commission shall consider:

A. The need for remedial or developmental education;

B. The availability of financial aid for nontraditional students that takes into account their need for flexible and part-time attendance;

C. The need for a financial aid package that recognizes the full array of education-related expenses that nontraditional students incur, including expenses for child care and transportation and lost wages as workers reduce their work hours to attend classes;

D. The need for additional resources for student advising and counseling to help students navigate academic challenges and social and economic barriers that affect attendance;

E. The alignment of related program resources in other departments of State Government to help students with access to postsecondary education; and

F. The design of program offerings, including modules, nontraditional hours and distance learning opportunities.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Labor, pursuant to Joint Rule 353, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

**READ.**

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending the motion by President **EDMONDS** of Cumberland to **PASS**.

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass

The Committee on **LABOR** on Bill "An Act To Amend the Laws Relating to the Maine State Retirement System"  
H.P. 1221 L.D. 1738

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 **LEGAL AND VETERANS AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1309 L.D. 1877

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

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

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

**READ ONCE.**

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

---

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry (EMERGENCY)

H.P. 791 L.D. 1073

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317).**

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

**READ ONCE.**

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Eliminate the Estate Recovery Delayed Claims Exemption"

H.P. 730 L.D. 970

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-325).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325).**

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

**READ ONCE.**

Committee Amendment "A" (H-325) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require a Commercial Applicator's License To Use Pesticides in Food-handling Establishments"

H.P. 650 L.D. 861

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318).**

Signed:

Senators:

NUTTING of Androscoggin  
ROTUNDO of Androscoggin

Representatives:

PIEH of Bremen  
MAREAN of Hollis  
PIOTTI of Unity  
LUNDEEN of Mars Hill  
PRATT of Eddington  
PINEAU of Jay

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

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln  
CARTER of Bethel  
CRAY of Palmyra  
EDGECOMB of Caribou

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-318).**

Reports **READ.**

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

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a Waiting Period for Firearms"

H.P. 291 L.D. 361

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

Signed:

Senators:

DIAMOND of Cumberland  
McCORMICK of Kennebec  
SHERMAN of Aroostook

Representatives:

BLANCHETTE of Bangor  
GREELEY of Levant  
HILL of York  
HANLEY of Gardiner  
PLUMMER of Windham  
TIBBETTS of Columbia  
HASKELL of Portland  
SYKES of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-122)**.

Signed:

Representatives:

GERZOFKY of Brunswick  
KAENRATH of South Portland

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

Senator **DIAMOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to the pending motion and request my colleagues to vote against it. For those of you who may not remember, a

couple of years ago a woman from the Lewiston/Auburn area had a son who decided to go into Wal-Mart on a Friday, purchased a shotgun, and killed himself that weekend. What this bill does is simply create a waiting period, a simple time for us to be able to check the background of the person and perhaps give them time to think, calm down, and hopefully not do what this young man did. I have yet to hear a single cogent argument against why a waiting period is hurtful. All a waiting period does is say, 'Let's take a moment. Let's do the appropriate background check. Let's make sure there is nothing going on here that could be a crime of passion against themselves or against someone else.' Of all the issues that come up around gun control this is the one that I least understand why people can't support it. A simple time period. A time-out. A time for the person who is purchasing it to reflect. Think about all the things you have to wait for when you buy them. Think about all the things in society that you do that you need to wait a few days before it arrives at your house, before you can purchase it. Licensing that you have to go through. Health insurance takes 30 days before it kicks in, for heaven's sake. Why is it impossible for us to pass a simple waiting period? In fact, in the United States we used to have a waiting period. It used to be 5 days. It was 5 days to purchase a handgun in the United States. Now we've gone backwards and you can get one instantly with an instant background check. When we had that 5-day waiting period, I dare say, there was no violation of your rights. It was healthy for America to have a time-out before they could go purchase a weapon. Madame President, I encourage my colleagues to vote against the pending motion.

On motion by Senator **STRIMLING** of Cumberland, 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 Diamond.

Senator **DIAMOND:** Thank you, Madame President and men and women of the Senate. I would urge you to vote the motion Ought Not to Pass. This is the exact same bill, with one exception, that this legislature so handily defeated last time. The difference between that bill and this one is that this is simply a concept draft. Even though it was just that, the committee spent a long time in the public hearing and then in work sessions. The most striking thing we saw and heard is that of all the evidence, all those people who spoke in favor of this, not one shred of evidence was given that said this would make a difference. Not one shred of evidence. None. The committee was certainly willing and able to address the issue if we thought this bill would make a difference because certainly every member of that committee cares deeply and was saddened by the tragedy that brought this bill before us. The bottom line is not one shred of evidence was given to us to say this would make a difference. It would also require people who were coming home from the service to go through this waiting period. That was brought up because they may be home for only 10 days or 20 days. There were a lot of reasons why we shouldn't do it. No evidence why we should. I would urge you to vote for the Ought Not to Pass motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Benoit.

Senator **BENOIT**: Thank you, Madame President, ladies and gentlemen of the Senate. I'm not prepared to speak on this but I'm feeling compelled to. I drove to Lewiston, on my own, on a Sunday afternoon to watch the film that was made in regards to this piece of legislation. It was very interesting to me how it was being portrayed. I was the only Republican in the room that stood up. There was another Republican in the back of the room. The entire movement was anti-guns and anti-NRA. As a mother of a son, watching that woman while the movie was being played, I had my eyes on her, and then she got up and spoke. My heart ached for her. I thought, 'My gosh, here's this woman, she's caught in the middle of this tidal wave going right over her.' I truly believe I could have supported this bill had it been a 24-hour waiting period. I think I could have gone along with that. I had said, straight up, out in the lobby when I was there that no one has contacted me. No one has asked me what I thought. I was there saying that I am a mother; I could support something like this. No one followed up a phone call. No one bothered to talk to me. I have to say that I can't help but feel that by waiting this long this is just a smack at the NRA. It's a protest against them. It's a protest against guns. It misses the point of the big picture. The big picture is that this young man had serious issues. Those are not being addressed. He had access to anything he wanted. He had served some time in the military, if I'm correct. If his life was at a point where he needed to do something, I think he would have found a way to do that. I could have supported this if it had gone with what the mother originally wanted, which was 24-hours to just say to wait a minute, put the breaks on, and give them time to think. I would have been all over this. I am not sure of the exact time limit. I think I checked it out when it first came out and it was much longer than that. I think it's a week that is attached onto that. I'll spare you any more of my rambling on, but I just feel compelled to tell you that it is too bad that we've missed the big picture and somehow this mother, in all of her sincerity, has been caught up in something that is much bigger than what we are discussing here today. Thank you.

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

Senator **SCHNEIDER**: Thank you, Madame President, men and women of the Senate. In case you haven't noticed, this comes from the House with the bill and all accompanying papers Indefinitely Postponed.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Accept the Majority Ought Not to Pass Report. 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 (#96)

**YEAS:** Senators: BARTLETT, BENOIT, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, WESTON

**NAYS:** Senators: BOWMAN, ROTUNDO, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

**ABSENT:** Senators: BRANNIGAN, BROMLEY

28 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

## Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel" H.P. 1130 L.D. 1608

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-329)**.

Signed:

Senator:  
MITCHELL of Kennebec

Representatives:  
NORTON of Bangor  
FINCH of Fairfield  
MAKAS of Lewiston  
FARRINGTON of Gorham  
HARLOW of Portland  
SUTHERLAND of Chapman  
EDGEComb of Caribou  
McFADDEN of Dennysville  
MUSE of Fryeburg

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

Signed:

Senators:  
BOWMAN of York  
MILLS of Somerset

Representative:  
STRANG BURGESS of Cumberland

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-329)**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing the Placement of an On-premises Sign"

H.P. 771 L.D. 1053

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

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

MARLEY of Portland  
FISHER of Brewer  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
THERIAULT of Madawaska

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-350)**.

Signed:

Representatives:

BROWNE of Vassalboro  
THOMAS of Ripley  
CEBRA of Naples  
ROSEN of Bucksport  
PEOPLES of Westbrook

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.

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**Senate**

**Ought to Pass As Amended**

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Modernize the Laws Pertaining to the Sport of Skiing and Use of Ski Areas"

S.P. 419 L.D. 1171

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-171)**.

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

**READ ONCE**.

Committee Amendment "A" (S-171) **READ** and **ADOPTED**.

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

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Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Promote Compliance with the Workers' Compensation Laws"

S.P. 359 L.D. 1107

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-174)**.

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

**READ ONCE**.

Committee Amendment "A" (S-174) **READ** and **ADOPTED**.

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

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Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Blasting near Residential Areas" (EMERGENCY)

S.P. 283 L.D. 895

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-169)**.

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

**READ ONCE**.

Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

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

---

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts"

S.P. 388 L.D. 1200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-170).**

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

**READ ONCE.**

Committee Amendment "A" (S-170) **READ** and **ADOPTED.**

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

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

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## SECOND READERS

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

### House

Bill "An Act To Clarify the Laws Governing Landowner Liability"  
H.P. 886 L.D. 1258

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

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

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### House As Amended

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  
(H "A" H-305 to C "A" H-289)

Bill "An Act To Establish the Coyote Award Program"  
H.P. 763 L.D. 1045  
(C "A" H-295)

Bill "An Act To Prohibit Maine from Participating in a National Identification Card System"  
H.P. 831 L.D. 1138  
(C "A" H-304)

Bill "An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code"

H.P. 883 L.D. 1241  
(C "A" H-314)

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  
(C "A" H-302)

Bill "An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act"

H.P. 964 L.D. 1372  
(C "A" H-303)

Bill "An Act To Adjust the Milk Handling Fee"

H.P. 1030 L.D. 1468  
(C "A" H-306)

Bill "An Act To Enhance Accountability in Future Tax Increment Financing"

H.P. 1031 L.D. 1469  
(C "A" H-299)

Bill "An Act To Exempt Vegetable Seeds and Fertilizer from the Sales Tax"

H.P. 1173 L.D. 1664  
(C "A" H-308)

Bill "An Act To Ensure End-of-life Care for Children with Terminal Illnesses"

H.P. 1231 L.D. 1765  
(C "A" H-301)

Bill "An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12"  
H.P. 1247 L.D. 1785  
(C "A" H-311)

Bill "An Act To Clarify Comprehensive Planning and Land Use Ordinances"

H.P. 1258 L.D. 1803  
(C "A" H-300)

Bill "An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community"

H.P. 1260 L.D. 1805  
(C "A" H-309)

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  
(C "A" H-307)

Bill "An Act To Improve the Efficiency of the Maine Emergency Medical Services System"

H.P. 1283 L.D. 1841  
(C "A" H-315)

Bill "An Act To Prepare All Maine Students for College, Career and Citizenship"

H.P. 1295 L.D. 1859  
(C "A" H-313)

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

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Bill "An Act To Protect Wild Trout from Exotic Species"

H.P. 799 L.D. 1081  
(C "A" H-269)

**READ A SECOND TIME.**

On motion by Senator **STRIMLING** of Cumberland, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

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Bill "An Act To Amend Certain Harness Racing Laws"

H.P. 914 L.D. 1296  
(H "A" H-320)

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Repeal Term Limits for Legislators"

S.P. 27 L.D. 42  
(C "A" S-167)

Bill "An Act To Amend the Maine Human Rights Act"

S.P. 222 L.D. 685  
(C "A" S-162)

Bill "An Act To Amend the Accord and Satisfaction Laws To Add Juveniles"

S.P. 226 L.D. 709  
(C "A" S-163)

Bill "An Act To Promote County-based Economic Development Efforts"

S.P. 324 L.D. 1007  
(C "A" S-160)

Bill "An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License"

S.P. 500 L.D. 1422  
(C "A" S-168)

Bill "An Act Regarding Jury Service"

S.P. 573 L.D. 1629  
(C "A" S-164)

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  
(C "A" S-165)

Bill "An Act To Improve Road Safety and Update Bicycling Laws"

S.P. 643 L.D. 1808  
(C "A" S-166)

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services

S.P. 315 L.D. 998  
(C "A" S-124)

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

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**Emergency Measure**

An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services

S.P. 370 L.D. 1118  
(C "A" S-126)

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.

**Acts**

An Act To Amend the Unemployment Laws

S.P. 332 L.D. 1015  
(C "A" S-122)

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

S.P. 652 L.D. 1834  
(C "A" S-123)

**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 Make Lobster Trap Molesting a Civil Offense

H.P. 18 L.D. 16  
(C "A" H-74)

On motion by Senator **DOW** of Lincoln, 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 (#97)**

YEAS: Senators: BARTLETT, BOWMAN, BRYANT, DIAMOND, HOBBS, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DAMON, DOW, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senators: BRANNIGAN, BROMLEY

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

**Resolves**

Resolve, Regarding the Organization and Administration of Energy Policy Responsibilities within State Government

S.P. 447 L.D. 1284  
(C "A" S-125)

Resolve, Regarding the Use of Restraints in Nursing Facilities

S.P. 456 L.D. 1308  
(C "A" S-120)

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass**

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Extend the Time Allowed for Outcome-based Forestry" (EMERGENCY)  
S.P. 713 L.D. 1914

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:

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship Subsidies"  
S.P. 170 L.D. 515

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-176)**.



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

**READ ONCE.**

Committee Amendment "A" (S-176) **READ** and **ADOPTED**.

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

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Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Update the Maine Business Corporation Act"  
S.P. 608 L.D. 1741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178)**.

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

**READ ONCE.**

Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

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

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

#### **REPORTS OF COMMITTEES**

##### **Senate**

##### **Ought to Pass As Amended**

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend Certain Laws Affecting Transportation"  
S.P. 270 L.D. 860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-177)**.

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

**READ ONCE.**

Committee Amendment "A" (S-177) **READ** and **ADOPTED**.

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

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

#### **PAPERS FROM THE HOUSE**

##### **House Paper**

Bill "An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine" (EMERGENCY)  
H.P. 1351 L.D. 1918

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

#### **PAPERS FROM THE HOUSE**

##### **Joint Resolution**

The following Joint Resolution:

H.P. 1352

#### **JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ENACT THE SOCIAL SECURITY FAIRNESS ACT OF 2007**

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 President and the Congress of the United States as follows:

WHEREAS, Social Security is a trust fund that is intended as a compact between generations, yet it has not always been treated in a manner similar to other trust funds; and

WHEREAS, Maine's educators, transportation workers, police, firefighters and other civil servants, as well as their spouses, have collectively contributed tens of billions of dollars to Social Security and should in good faith receive such benefits as have been projected to them annually in their personalized Social Security statements; and

WHEREAS, the federal "government pension offset provision" and the federal "windfall elimination provision," enacted, respectively, in 1977 and 1983, have effectively treated state government pensions as if they were a provenance of Social Security, which they are not, and have in this treatment appropriated hundreds of billions of dollars previously entrusted to Social Security by the civil servants of 15 states and by their spouses; and

WHEREAS, by unfairly taking these hundreds of billions of dollars from just 15 states, including Maine, these twin federal policies have adversely and disproportionately affected Maine's ability to attract and retain effective and qualified workers, as well as Maine's overall economy, its schools, its tax base and its taxpayers and other residents; and

WHEREAS, the State of Maine has worked hard, over generations, to attract, retain and provide for its state workers in their retirement and has scrupulously guarded and invested the funds entrusted to its retirement system, bringing those reserves to 100 times the value they had just 4 decades ago; and

WHEREAS, federal legislation has been introduced entitled the Social Security Fairness Act of 2007, proposing to repeal these unfair takings from Maine and from other states; and

WHEREAS, all Members of the Maine Congressional Delegation are cosponsors of this legislation, along with more than 200 other members of Congress as of mid-February; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact the Social Security Fairness Act of 2007; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

---

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

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

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Preserve the Saco River (EMERGENCY)

H.P. 752 L.D. 1034

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-357)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357)**.

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

**READ ONCE**.

Committee Amendment "A" (H-357) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program" (EMERGENCY)

H.P. 1100 L.D. 1575

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-335)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-335)**.

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

**READ ONCE**.

Committee Amendment "A" (H-335) **READ** and **ADOPTED**, in concurrence.

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

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#### Off Record Remarks

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

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves"

H.P. 890 L.D. 1262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-353)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**.

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

**READ ONCE**.

Committee Amendment "A" (H-353) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Maine Homeowners from Predatory Lending"

H.P. 1301 L.D. 1869

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-354).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354).**

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

**READ ONCE.**

Committee Amendment "A" (H-354) **READ** and **ADOPTED**, in concurrence.

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

---

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Cigarettes Sold in Maine To Be Fire-safe"

H.P. 68 L.D. 70

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-338).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338).**

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

**READ ONCE.**

Committee Amendment "A" (H-338) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Welfare"

H.P. 31 L.D. 29

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-351).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351).**

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

**READ ONCE.**

Committee Amendment "A" (H-351) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Eating Disorders in Maine"

H.P. 762 L.D. 1044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359).**

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

**READ ONCE.**

Committee Amendment "A" (H-359) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Change the Evaluation Criteria for Those with Developmental Disabilities"

H.P. 1300 L.D. 1868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-358)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**.

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

**READ ONCE.**

Committee Amendment "A" (H-358) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1306 L.D. 1874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-352)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-352)**.

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

**READ ONCE.**

Committee Amendment "A" (H-352) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Provide Additional Background Information to the Probate Court"  
H.P. 171 L.D. 200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-339)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-339)**.

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

**READ ONCE.**

Committee Amendment "A" (H-339) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings"

H.P. 305 L.D. 389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-340)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)**.

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

**READ ONCE.**

Committee Amendment "A" (H-340) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases"

H.P. 306 L.D. 390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-341).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-341).**

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

**READ ONCE.**

Committee Amendment "A" (H-341) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Limit Liability for the Performance of Community Service"  
H.P. 313 L.D. 397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-342).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342).**

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

**READ ONCE.**

Committee Amendment "A" (H-342) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Establish a Mediation Process for Landlord-tenant Disputes"  
H.P. 508 L.D. 659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-343).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343).**

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

**READ ONCE.**

Committee Amendment "A" (H-343) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Amend the Wrongful Death Laws"

H.P. 655 L.D. 866

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-344).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344).**

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

**READ ONCE.**

Committee Amendment "A" (H-344) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Authorize the Use of Parenting Coordinators in Maine"  
H.P. 1237 L.D. 1771

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-345).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345).**

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

**READ ONCE.**

Committee Amendment "A" (H-345) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Facilitate Collection of Money Owed to the State"

H.P. 1265 L.D. 1813

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-346)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)**.

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

**READ ONCE.**

Committee Amendment "A" (H-346) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process"

H.P. 829 L.D. 1136

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-336)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336)**.

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

**READ ONCE.**

Committee Amendment "A" (H-336) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify Restrictions on Accepting Campaign Contributions Laws"

H.P. 950 L.D. 1341

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-337)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**.

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

**READ ONCE.**

Committee Amendment "A" (H-337) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of Cellular Telephones by Minors while Driving" H.P. 143 L.D. 161

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-348)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)**.

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

**READ ONCE.**

Committee Amendment "A" (H-348) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Resolve, To Encourage Increased Use of Biodiesel Fuels in Maine H.P. 852 L.D. 1159

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-347)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-347)**.

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

**READ ONCE.**

Committee Amendment "A" (H-347) **READ** and **ADOPTED**, in concurrence.

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

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

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

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

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Off Record Remarks

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On motion by Senator **MITCHELL** of Kennebec,  
**RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

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Off Record Remarks

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#### **ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require a Commercial Applicator's License To Use Pesticides in Food-handling Establishments"

H.P. 650 L.D. 861

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-318)** (8 members)

Minority - **Ought Not To Pass** (5 members)

Tabled - May 31, 2007, by Senator **NUTTING** of Androscoggin

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

(In House, May 30, 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-318)**.)

(In Senate, May 31, 2007, Reports **READ**.)

Senator **WESTON** of Waldo requested a Division.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. LD 861 is one of the very few divided reports from the Agriculture, Conservation and Forestry Committee this year. Current statute says that if you own an eating establishment you must have a commercial applicator, professionally trained person, do any pesticide or rodent control work in your restaurant. However, the Board of Pesticide Control realized that our current statute exempted the kitchens. The Majority Report clarifies that pesticide work or rodent control shall be done in the kitchen the same way it is done in the rest of the restaurant, by someone with an applicators license, someone who has been professionally trained, in order to protect the public safety.

On motion by Senator **NUTTING** of Androscoggin, 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 Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. May I pose a question?

**THE PRESIDENT:** The Senator may pose his question.

Senator **GOOLEY:** Thank you, Madame President. I guess my question is about the applicators license, and there are a couple of different kinds. I happen to have a private applicators license right now. I have had a commercial in the past. I'm wondering why it has to be commercial and why it can't be a private applicators license?

**THE PRESIDENT:** The Senator from Franklin, Senator Gooley poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President and ladies and gentlemen of the Senate. The committee did spend some time discussing this particular issue. In the Majority Report it does say that if you have a private applicators license and

happen to also own a restaurant that you can do your own work. The committee felt, and the Board of Pesticide Control agreed with us, that if you are going to do work for somebody else in an eating establishment it should be somebody with a commercial applicators license. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I am to understand that if you do your own work in your own facility then you only have to have a private applicators license. Is that correct?

**THE PRESIDENT:** The Chair would say that is how I understood it. The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Accept the Majority Ought to Pass as Amended Report. 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 (#98)**

**YEAS:** Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senator: SHERMAN

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-318) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel"

H.P. 1130 L.D. 1608

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-329)** (10 members)

Minority - **Ought Not To Pass** (3 members)

Tabled - May 31, 2007, by Senator **BOWMAN** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 30, 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-329).**)

(In Senate, May 31, 2007, Reports **READ**.)

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

Senator **MITCHELL:** Thank you, Madame President and distinguished colleagues in the Senate. I rise not as a Majority Floor Leader, but rather as a member of the Education Committee. Though I have the utmost respect for my distinguished Senate Chair, I disagree on this issue. I disagree because in this case rules concerning policy, in my opinion, of certification and mentoring programs for teachers is an appropriate subject to make a major substantive rule. It is the desire of most of us on the Education Committee to have those come back to the Education Committee for the final review. It is not saying that they are bad. It is not saying that they are good. It rises to the level, in my opinion, for a review by the legislative committee. It is simply a product of my long experience and being disappointed in a number of rules that were classified as technical that makes me oppose this motion and ask for a division on this question.

Senator **MITCHELL** of Kennebec requested a Division.

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

Senator **BOWMAN:** Thank you, Madame President. I have the greatest respect for my colleague as well. The minority of Senators Bowman, Mills, and Representative Strang Burgess believe in letting the State Board of Education and the Department of Education carry out their charter, imposing the legislature's strong hand only when there is a compelling need. This is basically the way it is done in many other parts of the world in which we live in, including the private sector. In this case I find no compelling need. If there were compelling need it surely would have been done prior to this session. The legislature simply can't involve itself in everything. We already, borrowing a Biblical phrase, are doing quite a good job in straining out gnats and passing camels, if you remember that phrase. I don't think we need to add to that. Thank you.

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



Senator **MILLS**: Thank you, Madame President and men and women of the Senate. I, too, have confidence in the State Board of Education and I believe if there are errors in their work that people will bring appropriate legislation before us to correct those errors. This isn't a situation where you have a department head writing a set of rules and then having no broader reflective body to review them. This is an appointed board. All of the members of that board are approved by this Body, the Senate. I think there are 9 of them. They come from all areas of the state and will soon come from even a broader cross section of our state to legislation that passed in response to overtures by the good Senator from Washington, Senator Raye. I have confidence in that board to do its work and I think to deprive them of their prerogative to issue these rules in an unfettered way is in some sense a vote of no confidence in that board. Thank you for allowing me to speak on this motion and I urge you to support the light of the good Senator from York, Senator Bowman.

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 pending question before the Senate is the motion by the Senator from York, Senator Bowman to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

Secretary opened the vote.

**ROLL CALL (#99)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SMITH, SNOWE-MELLO, STRIMLING, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BROMLEY, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, RAYE, SCHNEIDER, SHERMAN, SULLIVAN

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion"

H.P. 702 L.D. 927  
(C "A" H-277)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, in concurrence

(In House, May 23, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**.)

(In Senate, May 29, 2007, **READ A SECOND TIME**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-277), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-172) to Committee Amendment "A" (H-277) **READ**.

**THE PRESIDENT**: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. This amendment is an attempt to work out some of the concerns that were expressed by a couple of departments. What we are doing here is trying to help operations, Mom and Pop operations basically or Bed and Breakfast as some people would call them. I worked with the sponsor, who happens to be a member of the other Body, with the amendment so that what the amendment will basically provide for is that when you come to a Bed and Breakfast and they are exempted from state law, for example Health and Human Services, Fire Marshall, etcetera, you will be given a notification that this is the case. We worked out that arrangement and everyone is fairly pleased with being able to continue having these Bed and Breakfast operations and not completely remodel them to a point where they look like a house that was built in the last two days.

On further motion by same Senator, Senate Amendment "A" (S-172) to Committee Amendment "A" (H-277) **ADOPTED**.

Committee Amendment "A" (H-277) as Amended by Senate Amendment "A" (S-172) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) AS AMENDED BY SENATE AMENDMENT "A" (S-172)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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

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

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 29, 2007, **READ A SECOND TIME.**)

**PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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

Bill "An Act To Protect the Scenic Value of the Kennebec River"  
S.P. 531 L.D. 1508

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-147)**

(In Senate, May 29, 2007, **READ A SECOND TIME.**)

On motion by Senator **MITCHELL** of Kennebec, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-147).

On further motion by same Senator, Senate Amendment "A" (S-181) to Committee Amendment "A" (S-147) **READ.**

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

Senator **MITCHELL:** Thank you, Madame President. The purpose of Senate Amendment "A" is to amend the bill. This is designating a part of the Kennebec from the Father Curran Bridge, which is the small bridge in Augusta, up to the dam in Waterville a scenic river. As a part of this discussion, the amendment would say that a buffer strip of 100 feet must be kept between the working edge of a quarry and the river. It certainly provides for a transition period for existing gravel pits there, but in the future it would protect the scenic value of the river between the Father Curran Bridge and the dam in Waterville.

On further motion by same Senator, Senate Amendment "A" (S-181) to Committee Amendment "A" (S-147) **ADOPTED.**

Committee Amendment "A" (S-147) as Amended by Senate Amendment "A" (S-181) thereto, **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-147) AS AMENDED BY SENATE AMENDMENT "A" (S-181) thereto.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/30/07) Assigned matter:

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

Tabled - May 30, 2007, by Senator **MITCHELL** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-312), in concurrence**

(In House, May 29, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312).**)

(In Senate, May 30, 2007, Committee Amendment "A" (H-312) **READ.**)

Committee Amendment "A" (H-312) **ADOPTED**, in concurrence.

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

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

Senator **PLOWMAN:** Thank you, Madame President. On your desks today I put a hand-out and you'll see that it's an article about a young lady from Hampden, Susan Abraham. This lady was a dear friend of our family. The article describes what ended up being Susan's final project that she was working on at the time of her death, which was to help a young man get as many Christmas cards as he could. He has cancer and I believe he is 7-years-old. Susan had left a post-it note on her mother's refrigerator reminding her that everyone else had sent their card and would she please get hers done. It didn't go unnoticed during the week we were there. The family requested that day that people honor Susan's last project by sending birthday cards to this young man who, by the way, only speaks French so anything he receives in English has to be read to him by his mother. If you can write the letter in French it would be wonderful. In fact it would probably be really special, and very different for him, if you did it on your Senate note cards.

If you see the picture of Susan, even in black and white, look at this young lady's eyes. They are the most sparkling, most beautiful eyes that you have ever looked into. When you were looking into those eyes you were looking into the soul of a beautiful young woman who was going to really reach out and touch the world and did. As her mother said, she patched people up one person at a time. We had an evening where probably 150 people showed up to sit around a campfire and talk about how Susan had patched them up, one person at a time. I don't think we will ever be able to honor Susan in the way that she should have been honored. We were lucky that we had Susan and she did more for civilization and for her community than any of us will do in the whole life that we are given. She did it in 17 short years. I would like to ask you to please honor her memory by sending this card. This young man probably has 2 million by now, but that

doesn't matter. What matters is that you will be honoring Susan's memory and I would appreciate it if you could take the time just to jot something down. Today I'd like to ask if we could adjourn in memory and in honor of probably one of the most special people I've ever known, who will continue to effect people long after her death. It was also Susan's request, which was very difficult for her parents to follow through on, that she donated her organs. Susan, in her death, touched many more lives and people went home to live lives that they wouldn't have had if it hadn't been for Susan. Please help me in honoring her memory today. Thank you.

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

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

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Senator **BRYANT** of Oxford was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, until Friday, June 1, 2007, at 10:00 in the morning, in memory of and lasting tribute to Susan Abraham of Hampden.