

MAINE STATE LEGISLATURE

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

Daily Edition

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

In Senate Chamber
Thursday
June 7, 2007

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

Prayer by Pastor Karen Garcia of New Sharon United Methodist Church.

REVEREND GARCIA: Good morning President Edmonds and honorable Senators of the State of Maine. I bring you greetings on behalf of the residents of New Sharon. Thank you for the invitation to share a few thoughts with you this morning as you open this day of business. I thought about what bit of inspiration I might offer to you today. And, I thought about my two very short years of ministry in New Sharon. In particular, I thought about what an awesome privilege and responsibility it is to serve as pastor of this church, providing spiritual leadership and guidance to members of our congregation and our community.

Our congregation is roughly the same size as the group gathered here, although when I wrote this I didn't expect quite as many people. They are very diverse. Some are rich, and some are not so rich. Some are very young, and some are much older. Some have years of education, and some have far less. They are husbands, wives, sons, daughters, brothers, sisters, grandparents, and grandchildren. They are veterans, teachers, housewives, business owners, farmers, musicians, and field hockey coaches. This tells you only a little bit about the people who invite me into their lives and into their church each week. In spite of their diversity, these people are one community and they share the same concerns about how to live faithful lives in this complicated time.

I share this with you this morning because I think in many ways our members are much like the constituents that you serve. And I think about the awesome privilege and responsibility that you have as you lead the residents of our state, making decisions that will impact their lives, and offering them opportunities for brighter tomorrows. I can't imagine doing the work that I do without the help and guidance of the Holy Spirit. I offer this prayer as I prepare and lead worship each week: That it be God's voice and God's message and God's spirit that our members hear, and not my own agenda or someone else's close to me.

It is my heartfelt prayer that as you enter into this time of debate and decision-making today, that the people you serve will be at the forefront of your hearts and minds as well. May it be their collective voice and their message and their spirit that speaks to you today. I'd like to invite you now to be in the spirit of prayer:

Ever-present God, we offer You this day with all of its potential and promise. Be with us as we undertake the tasks that affect Your children living in this state. Guide our decisions as we serve those whose lives are in our care this day. For we pray this in Your name. Amen.

Reading of the Journal of Wednesday, June 6, 2007.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 728

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, June 11, 2007. The House will convene at 9:00 and the Senate at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent 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)**

In Senate, May 31, 2007, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

Comes from the House, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **MARRACHÉ** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **MARRACHÉ** of Kennebec to **RECEDE** and **CONCUR**.

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

ORDERS

Joint Orders

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

S.P. 725

ORDERED, the House concurring, that the Committee To Study Appropriate Funding of the State Police is established as follows.

1. Committee To Study Appropriate Funding of the State Police established. The Committee To Study Appropriate Funding of the State Police, referred to in this order as "the committee," is established.

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

A. Three members of the Senate, appointed by the President of the Senate, 2 of whom serve on the Joint Standing Committee on Transportation and one of whom serves on the Joint Standing Committee on Criminal Justice; and

B. Ten members of the House of Representatives, appointed by the Speaker of the House, 5 of whom serve on the Joint Standing Committee on Transportation and 5 of whom serve on the Joint Standing Committee on Criminal Justice.

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

4. Appointments; convening of committee. All appointments must be made no later than 30 days following 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 committee shall call and convene the first meeting of the committee.

5. Duties. The committee shall examine the formula for funding the Department of Public Safety, Bureau of State Police from the General Fund and the Highway Fund. The committee shall examine the final report of the Office of Program Evaluation and Government Accountability issued in February 2007 entitled "Highway Fund Eligibility at the Department of Public Safety - an Analysis of Select Departmental Activities" and any other information the committee determines appropriate. The committee shall develop recommendations for appropriate funding for the Department of Public Safety, Bureau of State Police.

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

7. Compensation. Legislative members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

9. Report. No later than December 5, 2007, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation and the Joint Standing Committee on Criminal Justice. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Transportation may, pursuant to Joint Rule 353, introduce a bill during the session in 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 Senator **DAMON** of Hancock to **PASS**.

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

S.P. 726

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources shall study the depletion of finfish stocks in the Gulf of Maine and may report out a bill to the Second Regular Session of the 123rd Legislature implementing the committee's recommendation on matters relating to the study.

READ.

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

Joint Resolution

On motion by Senator **DAMON** of Hancock (Cosponsored by Representative **PERCY** of Phippsburg and Representatives: **ADAMS** of Portland, **EBERLE** of South Portland, **KOFFMAN** of Bar Harbor, **MacDONALD** of Boothbay, **MAZUREK** of Rockland, **PINGREE** of North Haven), the following Joint Resolution:

S.P. 727

**JOINT RESOLUTION SUPPORTING THE NEARSHORE
COASTAL RESOURCES REPORT**

WHEREAS, the State of Maine is privileged to have more than 5,000 miles and over 2,000,000 acres of public, submerged lands and coastal waters, which together form one of the most productive and rich ecosystems of the world; and

WHEREAS, Maine's coastal waters and the lands beneath them have historically sustained a variety of uses, including providing food, transportation, commerce, recreation, artistic inspiration and spiritual sustenance; and

WHEREAS, Maine's coastal resources belong to all people of Maine and are held in trust by the State for the benefit of current and future generations; and

WHEREAS, Maine's coastal waters and coastal resources are an important component of the State's natural resource-based economy; and

WHEREAS, the long-term sustainability of the coastal marine environment and the uses that depend upon it rely upon the maintenance and enhancement of the integrity of its ecological systems; and

WHEREAS, the uses that our society makes of Maine's coastal resources are changing, diversifying and intensifying and, as a result, ecological and human communities are under increased stress; and

WHEREAS, current coastal management is unable to respond to increasing challenges, including cumulative impacts and emerging uses, whose management is distributed over numerous local, state and federal authorities and is therefore not well integrated; and

WHEREAS, effective, coordinated management and active citizen stewardship is needed to achieve a careful balance between conservation and development that ensures the sustained use and enjoyment of coastal resources by current and future generations; and

WHEREAS, integrated management of Maine's coastal waters and coastal resources can be achieved following combined principles of ecological protection, resource management and shared governance; and

WHEREAS, the Land and Water Resources Council, as authorized by the Maine Revised Statutes, Title 5, section 3331, undertook a 2-year study to explore and document potential new and innovative concepts for the management of Maine's embayments and generated important recommendations that should be implemented to achieve the well-coordinated, efficient management of Maine's coastal resources and ensure their continued sustainable productivity into the future; therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, take this occasion to recognize the immeasurable value of Maine's incredible coastal resources and to support the entire Nearshore Coastal Resources report.

READ.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ADOPT**.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 727 L.D. 967

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-328)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

FINCH of Fairfield
EDGECOMB of Caribou
McFADDEN of Dennysville
STRANG BURGESS of Cumberland

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-398)**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Student Voter Registration" H.P. 174 L.D. 203

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

MOORE of Standish
WEDDELL of Frankfort
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-425)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

PINKHAM of Lexington Township
NASS of Acton
GOULD of South Berwick
HOLMAN of Fayette

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

Reports **READ**.

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

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

Senate

Ought to Pass As Amended

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of Fish and Wildlife Law"

S.P. 356 L.D. 1104

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

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

READ ONCE.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Amend the Tax Laws Concerning Certain Motor Vehicle Dealership Transactions"

S.P. 322 L.D. 1005

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-233)**.

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

READ ONCE.

Committee Amendment "A" (S-233) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty"

S.P. 74 L.D. 236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**.

Signed:

Senators:

STRIMLING of Cumberland
NASS of York

Representatives:

KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
HOTHAM of Dixfield
CHASE of Wells
LANSLEY of Sabattus

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

Signed:

Senator:

PERRY of Penobscot

Representatives:

PIOTTI of Unity
WATSON of Bath
PILON of Saco
RAND of Portland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-232) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House As Amended

Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

H.P. 1164 L.D. 1655
(C "A" H-331)

Bill "An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders"

H.P. 1219 L.D. 1736
(C "A" H-421)

Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax"

H.P. 1271 L.D. 1823
(C "A" H-413)

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

Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage"

H.P. 1014 L.D. 1445
(S "A" S-215 to C "A" H-394)

Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY)

H.P. 1039 L.D. 1477
(S "A" S-224 to C "A" H-388)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Improve the Legislative Ethics Laws"

S.P. 325 L.D. 1008
(C "A" S-228)

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"

S.P. 475 L.D. 1361
(S "A" S-230 to C "A" S-180)

Bill "An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting"

S.P. 567 L.D. 1623
(C "A" S-227)

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.

Senate at Ease.

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:

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 - June 7, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **MARRACHÉ** of Kennebec to **RECEDE** and **CONCUR**

(In Senate, May 31, 2007, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167).**)

(In House, June 6, 2007, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

On motion by Senator **MARRACHÉ** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Monday, June 11, 2007, at 10:00 in the morning.