

MAINE STATE LEGISLATURE

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

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

In Senate Chamber
Tuesday
January 8, 2008

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

Prayer by Senator Dana L. Dow of Lincoln County.

SENATOR DOW: Good morning. It seems like I just did this a little while ago. When I was a young man I always thought to be the head of something would be the ultimate, thinking I could boss everybody around. Then I discovered that being the head of something meant being the servant to all that I worked for and with. Paul says, 'So then men ought to regard us as servants of Christ and those entrusted with the secret things of God.' Let us be in the spirit of prayer.

Father in Heaven, the mind of everyone is a mixture of thoughts and concerns about their family, their business, their country and their own personal fulfillment and the needs of their final destination. Help us to separate all of these and give them proper priorities. Help us to see that our final destination will be determined by how we react to all of the others. Help us to see that none of the others are our final destination. Help us to see that our personal fulfillment must come from the others and that our needs must always come second. Here's the rub, help us to understand that we live by dying. Help us to balance family, business and state so that none suffer and all prosper. In other words, Lord, come and help us. Amen.

Pledge of Allegiance led by Senator Christine R. Savage of Knox County.

Reading of the Journal of Thursday, January 3, 2008.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 595

STATE OF MAINE
123RD MAINE LEGISLATURE

December 20, 2007

Honorable John E. Baldacci
Governor of Maine
1 State House Station
Augusta, ME 04333

Dear Governor Baldacci:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 123rd Maine Legislature on Wednesday, January 9, 2008 at 7:00 p.m.

We look forward to seeing you then.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Authorize Low-stakes Cribbage Games by Charitable and Fraternal Organizations"

S.P. 814 L.D. 2134

Sponsored by Senator MILLS of Somerset.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

Bill "An Act Regarding Certain Activities of Electric and Gas Utilities"

S.P. 815 L.D. 2135

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative BLISS of South Portland and Senators: DIAMOND of Cumberland, MARRACHÉ of Kennebec, MARTIN of Aroostook, MITCHELL of Kennebec, ROTUNDO of Androscoggin, Representative: EBERLE of South Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, TUESDAY, JANUARY 8, 2008

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

ORDERS

Joint Order

On motion by Senator SULLIVAN of York, the following Joint Order:

S.P. 813

ORDERED, the House concurring, that the Joint Standing Committee on Insurance and Financial Services shall report out a bill, to the Senate, relating to the study made by the committee on issues related to Lyme disease.

READ and PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act To Promote Forest Management Planning and Certification"

H.P. 558 L.D. 737

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-634).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-634).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "B" (H-634) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Change of Committee

Senator BROMLEY for the Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Provide Accessible Higher Education Financial Assistance for Maine Families" (EMERGENCY)

S.P. 792 L.D. 1998

Reported that the same be REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS.

Report READ and ACCEPTED.

REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS.

Sent down for concurrence.

Ought to Pass As Amended

Senator STRIMLING for the Committee on LABOR on Bill "An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers"

S.P. 577 L.D. 1672

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-394).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "B" (S-394) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Strengthen Rural Community Investment"

S.P. 239 L.D. 790

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
RECTOR of Thomaston
BEAUDETTE of Biddeford

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "B" (S-393).

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SMITH of Monmouth
CLEARY of Houlton

Reports READ.

On motion by Senator SCHNEIDER of Penobscot, TABLED until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

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

Senate at Ease.

Senate called to order by the President.

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.

Senator DAMON of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator MITCHELL of Kennebec,

RECESSED until 11:00 in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Requirements for Approval of the Use of Physical Restraints"

H.P. 1518 L.D. 2138

Comes from the House, REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed.

REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Family Medical Leave Laws To Include Siblings"

H.P. 1514 L.D. 2132

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

On motion by Senator STRIMLING of Cumberland, REFERRED to the Committee on LABOR and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry"

H.P. 1508 L.D. 2129

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Bill "An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites"

H.P. 1517 L.D. 2137

Come from the House, REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **DAMON** of Hancock, REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers" (EMERGENCY)
H.P. 1515 L.D. 2133

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.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1516 L.D. 2136

Be REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Legislative Youth Advisory Council**

The **Legislative Youth Advisory Council**, pursuant to the Maine Revised Statutes, Title 3, section 168-A asked leave to report that the accompanying Bill "An Act To Implement the Recommendation of the Legislative Youth Advisory Council To Allow Youth To Preregister To Vote upon Reaching 16 Years of Age"

H.P. 1509 L.D. 2130

Be REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MARRACHÉ** of Kennebec, REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act Relating to Mortgage Lending and Credit Availability
H.P. 1505 L.D. 2125

The Senator from Cumberland, Senator **DIAMOND**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

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This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator 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.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Legislative Youth Advisory Council**

The **Legislative Youth Advisory Council**, pursuant to the Maine Revised Statutes, Title 3, section 168-A asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters"

H.P. 1510 L.D. 2131

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Wednesday, January 9, 2008, at 5:30 in the afternoon.