

MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
January 10, 2008

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

Prayer by Reverend Elizabeth J. Bachelder Smith of Highland
Avenue United Methodist Church in Gardiner.

REVEREND BACHELDER SMITH: Thank you for the invitation
to be with you this morning. Would you join me in prayer.

Gracious God of all who believe in Your goodness and love,
You celebrate with us the gift of each new day. We acknowledge
Your presence with us here in this Chamber this morning and ask
that in Your mercy You would guide and uphold the members of
our State Senate as they deliberate on behalf of the men, women
and children of Maine today. We acknowledge the difficult
economic times before us, Holy God, but know that together as
Mainers we might rise to the challenge. We look to our Senators
to lead us, oh God. We pray that their hearts might be full of
wisdom and courage as they confront the challenges and grasp
the opportunities of this new year. We pray for one another
gathered here today; for our leaders in the House of
Representatives as well; for our Governor, John E. Baldacci; and
especially for those whom we serve, the people of the State of
Maine. May Your rich blessing continue to be upon us as we pray
in Your holy name. Amen.

Reading of the Journal of Wednesday, January 9, 2008.

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. 819

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, January 15, 2008 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Retailers To Disclose the State's Implied
Warranty Laws to Customers"

H.P. 1523 L.D. 2143

Comes from the House, **REFERRED** to the Committee on
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT
and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **BUSINESS, RESEARCH AND ECONOMIC**
DEVELOPMENT and ordered printed, in concurrence.

Bill "An Act To Protect Sellers in Residential Real Estate
Transactions"

H.P. 1520 L.D. 2140

Committee on **BUSINESS, RESEARCH AND ECONOMIC**
DEVELOPMENT suggested and ordered printed.

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

Senator **SCHNEIDER** of Penobscot moved to **REFER** to the
Committee on **BUSINESS, RESEARCH AND ECONOMIC**
DEVELOPMENT, in **NON-CONCURRENCE**.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until
Later in Today's Session, pending motion by Senator
SCHNEIDER of Penobscot to **REFER** to the Committee on
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, in
NON-CONCURRENCE.

Bill "An Act To Amend the Law Governing Antlerless Deer
Permits"

H.P. 1522 L.D. 2142

Comes from the House, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the
Committee on **INLAND FISHERIES AND WILDLIFE** and ordered
printed, in concurrence.

Resolve, Directing the Bureau of Financial Institutions To Study
Data Security Breaches in the State

H.P. 1519 L.D. 2139

Comes from the House, **REFERRED** to the Committee on
INSURANCE AND FINANCIAL SERVICES and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed, in concurrence.

COMMUNICATIONS

The **Public Utilities Commission**, 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 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1521 L.D. 2141

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** 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 **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed pursuant to Joint Rule 218, in concurrence.

ORDERS OF THE DAY

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

Bill "An Act To Protect Sellers in Residential Real Estate Transactions"

H.P. 1520 L.D. 2140

Tabled - January 10, 2008, by Senator **MITCHELL** of Kennebec

Pending - motion by Senator **SCHNEIDER** of Penobscot to **REFER** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**. in **NON-CONCURRENCE**

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

(In House, January 9, 2008, **REFERRED** to the Committee on **TAXATION**.)

Senator **SCHNEIDER** of Penobscot requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

On further motion by same Senator, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

The Following Communication: S.C. 597

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

January 7, 2008

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. 423 An Act To Ensure the Safety of the Public and
of Victims of Sexual Assault (EMERGENCY)

L.D. 424 An Act To Protect Children from Dangerous
Drugs, Harmful Chemicals and Drug-related
Violence

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**

SENATE PAPERS

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 818 L.D. 2144

Sponsored by Senator PERRY of Penobscot.
Cospponsored by Representative PIOTTI of Unity and Senator:
NASS of York, Representatives: CHASE of Wells, CLARK of
Millinocket, WATSON of Bath.
Submitted by the Department of Administrative and Financial
Services pursuant to Joint Rule 204.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Order

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

S.P. 820

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out legislation concerning dissemination of confidential information in child protective proceedings.

READ and **PASSED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support the Maine Patent Program"

H.P. 632 L.D. 833

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-637)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-637)**.

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

READ ONCE.

Committee Amendment "B" (H-637) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer"

H.P. 66 L.D. 68

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-638)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-638)**.

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

READ ONCE.

Committee Amendment "B" (H-638) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases"

H.P. 69 L.D. 71

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-639)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-639)**.

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

READ ONCE.

Committee Amendment "B" (H-639) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime"

S.P. 95 L.D. 280

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-397)**.

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

READ ONCE.

Committee Amendment "B" (S-397) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims"

S.P. 116 L.D. 372

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-398)**.

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

READ ONCE.

Committee Amendment "B" (S-398) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws"

S.P. 579 L.D. 1674

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-399)**.

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

READ ONCE.

Committee Amendment "B" (S-399) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Stalking"

S.P. 681 L.D. 1873

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-400)**.

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

READ ONCE.

Committee Amendment "B" (S-400) **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:

Senate

Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group (EMERGENCY)

S.P. 764 L.D. 1970

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine"

S.P. 349 L.D. 1032
(C "B" S-395)

READ A SECOND TIME.

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

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

Off Record Remarks

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 To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment

S.P. 780 L.D. 1986
(C "A" S-396)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

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.

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 Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System"

H.P. 1525 L.D. 2146

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 Paper

Bill "An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code" (EMERGENCY)
H.P. 1524 L.D. 2145

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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. 1526

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES
AND THE UNITED STATES CONGRESS TO SUPPORT
THE CREATION OF A NATIONAL
AFFORDABLE HOUSING TRUST FUND**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, housing is at the heart of strong communities and stable neighborhoods; and

WHEREAS, safe, decent, affordable housing is key to the health and welfare of every individual and family; and

WHEREAS, the lack of affordable housing has resulted in homelessness, economic hardship, health crises and related traumas for untold numbers of men, women and children in Maine and throughout the United States; and

WHEREAS, there are only 56 units of affordable and available housing in Maine for every 100 extremely low-income renter households and over 90,000 renter households in Maine are unable to afford the average 2-bedroom rental unit; and

WHEREAS, two-thirds of Maine's households are unable to afford Maine's median home price; and

WHEREAS, the median home price in Maine rose 68.3% and the median rent for a 2-bedroom rental unit in Maine rose 30.4% from 2000 to 2006, while median incomes rose only 17.2% in the same period, and the average fair market rent in Maine rose by another 6.7% in 2007; and

WHEREAS, more than 9,600,000 extremely low-income households in the United States pay over half of their incomes for housing and housing, representing 23% of the United States gross domestic product, is an economic stimulus and creates jobs; and

WHEREAS, the production of new housing and the preservation or rehabilitation of existing housing that is affordable for low-income people must be a national priority; and

WHEREAS, the goal of the National Housing Trust Fund Campaign is to produce, rehabilitate and preserve 1,500,000 units of housing over the next 10 years; and

WHEREAS, S. 2523, the National Affordable Housing Trust Fund Act of 2007, was introduced in the United States Senate on December 19, 2007 with the original cosponsorship and support of United States Senators Olympia J. Snowe and Susan M. Collins of Maine; and

WHEREAS, the United States House of Representatives passed H.R. 2895, the National Affordable Housing Trust Fund Act of 2007, on October 10, 2007 with the cosponsorship and support of United States Representatives Thomas H. Allen and Michael H. Michaud of Maine; and

WHEREAS, both S. 2523 and H.R. 2895 target 75% of trust fund dollars to extremely low-income households and require that at least 30% of trust fund dollars go to households that qualify for Supplemental Security Income benefits; and

WHEREAS, the National Affordable Housing Trust Fund, as contemplated in both S. 2523 and H.R. 2895, would require no new taxes; and

WHEREAS, the Maine State Legislature is committed to addressing the affordable housing crisis; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress pass National Affordable Housing Trust Fund legislation in a timely manner; and be it further

RESOLVED: That the Maine State Legislature commends Senators Snowe and Collins and Representatives Allen and Michaud for their sponsorship and support of National Affordable Housing Trust Fund legislation; 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, to Harry Reid, Majority Leader of the United States Senate, to

Nancy Pelosi, Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 15, 2008, at 10:00 in the morning.