

# MAINE STATE LEGISLATURE

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

Daily Edition

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January 2, 2008 to March 31, 2008

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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 17, 2008

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

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Prayer by Reverend Dr. Alice Z. Anderman of First  
Congregational Church, UCC in Waterville.

**REVEREND ANDERMAN:** Let us pray. Oh gracious God, we  
give You thanks for the work of the leaders in the State of Maine,  
especially our Senators who work together for the good of all our  
citizens. Fill them with the spirit of wisdom, goodness and vision  
to do the work they are charged to do. In these times of  
uncertainty and change, grant our leaders and all of us mutual  
respect in words and deeds and courage and confidence to do  
work for peace, justice and goodness for all.

We remember Martin Luther King, Jr. who walked among the  
lost and lonely, the downtrodden and the outcast. Guide us to  
follow his footsteps, that we too may be found in places where  
love is so desperately needed but painfully absent. Help us to  
bring light to those living in darkness, hope to those living in  
despair, healing to the lonely, disadvantaged and marginalized,  
and peace to our state and divided world. May the good work  
done here today touch all lives in our hurting world. Amen.

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Reading of the Journal of Tuesday, January 15, 2008.

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Off Record Remarks

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Out of order and under suspension of the Rules, on motion by  
Senator **MITCHELL** of Kennebec, the following Joint Order:  
S.P. 826

Ordered, the House concurring, that when the House and Senate  
adjourn, they do so until Tuesday, January 22, 2008 at 10:00 in  
the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 600

123<sup>RD</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003

January 4, 2008

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

Dear Secretary O'Brien:

Pursuant to my authority under Chapter 58, P&S 1999, I am  
pleased to reappoint Senator Elizabeth Mitchell of Kennebec to  
the Governing Board of the Capital Riverfront Improvement  
District.

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

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 601

123<sup>RD</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003

January 9, 2008

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

Dear Secretary O'Brien:

Pursuant to my authority under P.L. 1999, Chapter 496, I am  
pleased to appoint Senator Kevin Raye of Washington to the  
Advisory Committee on Dental Education, serving as a Senate  
member.

Please contact my office if you have any questions regarding this  
appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 599

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

January 11, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- |           |  |
|-----------|--|
| L.D. 654  | An Act To Make License Requirements and Rules Consistent for Young Anglers |
| L.D. 1838 | An Act To Ensure Safety on Freshwater Ferry Vessels                        |

We have also notified the sponsors and cosponsors of each bill listed 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. 598

**STATE OF MAINE  
COMMITTEE ON FUTURE MAINE PROSPERITY**

January 14, 2008

The Honorable Beth Edmonds, President  
Maine State Senate

The Honorable Glenn Cummings, Speaker  
Maine House of Representatives

State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to House Paper 1018, the Joint Select Committee on Future Maine Prosperity is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Dennis S. Damon,  
Senate Chair

S/Representative John F. Piotti  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Advance the Maine Economy"  
S.P. 827 L.D. 2159

Sponsored by Senator MITCHELL of Kennebec.  
Cosponsored by Representative RECTOR of Thomaston and Senators: BROMLEY of Cumberland, BRYANT of Oxford, MARRACHÉ of Kennebec, MILLS of Somerset, Representatives: Speaker CUMMINGS of Portland, GERZOFKY of Brunswick, JACKSON of Allagash, MIRAMANT of Camden.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** Unassigned, pending **REFERENCE.**

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Bill "An Act To Amend the Laws Governing Marine Resources"  
S.P. 824 L.D. 2156

Sponsored by Senator DAMON of Hancock.  
Cosponsored by Representative EATON of Sullivan.  
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

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**Pursuant to Joint Order  
Joint Standing Committee on Insurance and Financial  
Services**

Senator SULLIVAN for the **Joint Standing Committee on Insurance and Financial Services**, pursuant to Joint Order 2007, S.P. 813 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses"

S.P. 825 L.D. 2157

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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**Pursuant to Joint Order  
Joint Standing Committee on Judiciary**

Senator HOBBS for the **Joint Standing Committee on Judiciary**, pursuant to Joint Order, S.P. 820 asked leave to report that the accompanying Bill "An Act To Clarify Confidentiality in Child Protective Proceedings" (EMERGENCY)

S.P. 828 L.D. 2161

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen 'Permissible Inference' in the Law Concerning Dissemination of Sexually Explicit Material" (EMERGENCY)

H.P. 4 L.D. 3

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-646)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-646)**.

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

**READ ONCE**.

Committee Amendment "B" (H-646) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault"

H.P. 131 L.D. 149

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-647)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-647)**.

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

Committee Amendment "B" (H-647) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault"

H.P. 191 L.D. 220

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-648)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-648)**.

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

**READ ONCE**.

Committee Amendment "B" (H-648) **READ** and **ADOPTED**, in concurrence.

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

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

H.P. 883 L.D. 1241

Reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-649).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-649).

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

**READ ONCE.**

Committee Amendment "B" (H-649) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities  
H.P. 501 L.D. 652

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

Signed:

Representatives:

PERRY of Calais  
MILLER of Somerville  
WALKER of Lincolnville  
LEWIN of Eliot  
FINLEY of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B"** (H-645).

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

CAMPBELL of Newfield  
BEAUDOIN of Biddeford

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

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-645) 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 Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-645) Report, in **NON-CONCURRENCE**.

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**Senate**

**Ought to Pass As Amended**

Senator MARRACHÉ for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Campaign Finance Disclosure by Political Action Committees"  
S.P. 482 L.D. 1394

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-402).

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

**READ ONCE.**

Committee Amendment "A" (S-402) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric Power Bills"

S.P. 136 L.D. 435

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

Signed:

Senators:

BARTLETT of Cumberland  
HOBBINS of York  
SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport  
BLANCHARD of Old Town  
CURTIS of Madison  
RINES of Wiscasset  
BLISS of South Portland  
FLETCHER of Winslow  
FITTS of Pittsfield  
BERRY of Bowdoinham  
HINCK of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

ADAMS of Portland

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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 Study the Feasibility of Locating a New Bridge in the St. David Area"

H.P. 394 L.D. 511  
(C "B" H-643)

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

**Senate As Amended**

Bill "An Act To Increase Reimbursement for Jury Duty"

S.P. 11 L.D. 1  
(C "A" S-401)

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

Sent down for concurrence.

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

**ENACTORS**

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

**Act**

An Act To Promote Forest Management Planning and Certification

H.P. 558 L.D. 737  
(C "B" H-634)

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

**Off Record Remarks**

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:05 in the morning.

After Recess

Senate called to order by the President.

Senate at Ease

At this point, President Edmonds introduced the representatives from the Maine Indian Tribal State Committee; Paul Bisulca, John Dieffenbacher-Krall and Paul Thibeault, and invited them to the rostrum to address the Senate.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution"

H.P. 1535 L.D. 2160

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** 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**

**Pursuant to Statute  
Department of Marine Resources**

The **Department of Marine Resources**, 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 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1533 L.D. 2158

Be **REFERRED** to the Committee on **MARINE RESOURCES** 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 **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218, 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. 1534

**JOINT RESOLUTION HONORING THOMAS PAINE**

WHEREAS, Thomas Paine, a peer of George Washington, James Madison, Benjamin Franklin and Thomas Jefferson, was one of the most brilliant political philosophers of his time; and

WHEREAS, Thomas Paine, born in Thetford, England, was a pamphleteer who immigrated to America and was the author of "Common Sense," which advocated independence from Great Britain; and

WHEREAS, Thomas Paine supported the American Revolution through his personal service, his financial contributions and his inspirational writings, including the "Crisis" papers; and

WHEREAS, Thomas Paine was prominent in promoting universal and equal education for boys and girls, equality for women and religious freedom and was also one of the first people to suggest a league of nations; and

WHEREAS, his life and work continue to inspire those who seek liberty and democracy all over the world; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Thomas Paine for his indelible contributions to our liberty in this country and to urge the citizens of the State to remember his accomplishments.

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

**READ.**

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

Senator **TURNER:** Thank you, Madame President and ladies and gentlemen of the Senate. I think, like most of us, I am a student of history. I would ask you to reflect on Thomas Paine for a moment. He was perhaps the first press relations officer of any Legislative Body in the history of the world. While James Madison and Thomas Jefferson were the brilliant minds behind much of the writing that came out of that revolutionary period, Thomas Paine was the person who put into his Common Sense document and publication those ideals that were written for Joe Sixpack, had he existed at that point in time. Common Sense sold over 150,000 copies in a continent that had four million souls, most of whom could not read or write. He was truly one of the cogs that kept the revolutionary spirit alive during some very dark times. I think recognizing Thomas Paine is something that we should also reflect on from time to time.

Madame President, you may, if you wish, rule me out of order but while we are talking about history, when you reflect on what we did with the Declaration of Independence there were two glaring errors and omissions. One had to do with the treatment of slavery and the second had to do with the treatment of Native peoples. Even today, after 225 years, we're just at a point now where a black man can run for President and people not think it's strange or outlandish. In some respects we've made more progress with our African American citizens than we have our Native Americans. It's likely that I will not be here to enjoy



deliberating anything that comes forward from this commission that spoke to us this morning. Madame President may, in fact, be in the same predicament as I. Most of you will be back and I think it's time for us to think very seriously about how we enhance the livelihood and lives of those who were here before us. We are, in fact, with the exception of them, all immigrants. Thank you, Madame President.

**THE PRESIDENT:** Thank you, Senator, and I would add that the only other group that was left out of that was women.

**ADOPTED**, in concurrence.

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

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 22, 2008, at 10:00 in the morning.

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## ORDERS OF THE DAY

### Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (1/2/08) Assigned matter:

Bill "An Act To Provide for the Construction of a Warehouse in Eastport" (EMERGENCY)

S.P. 806 L.D. 2116

Tabled - January 2, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

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

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

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Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

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