

MAINE STATE LEGISLATURE

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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
March 4, 2008

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

Prayer by Reverend Michael Ambler, Jr. of Grace Episcopal
Church in Bath.

REVEREND AMBLER: Holy and gracious God, we thank You for bringing us in safety to the beginning of this new day. We thank You for the state of Maine, for all its people in farms and offices, in fishing trawlers and construction sites, in hospitals and schools and shops. We thank You for entrusting those gathered in this Chamber with the awesome responsibility of legislating for their fellow citizens and we ask Your blessings on them. We ask You to give to each of the Senators and staff who advise and support them the gifts they need to do their work faithfully and well. Give them open and inquiring minds. Give them generous and compassionate hearts. Give them ears to hear those whose voices are not loud or well funded. Give them courage to do what is right. Give them grace to be gracious to those they disagree with. Finally we ask You to pour Your blessings on the great state of Maine. Help us to live up to our own standards and Yours. Forgive us when we fail and help us to forgive each other. Bless this state, we pray, and all who make their lives here. Amen.

Pledge of Allegiance led by Senator Walter R. Gooley of Franklin County.

Reading of the Journal of Thursday, February 28, 2008.

Doctor of the day, James K. VanKirk, MD of Veazie.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1594

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to make improvements to state-municipal revenue sharing distribution.

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

READ and **PASSED**, in concurrence.

The following Joint Order:

H.P. 1595

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to amend the municipal reimbursement formula under the Maine Tree Growth Tax Law.

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

READ and **PASSED**, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1592

**JOINT RESOLUTION EXPRESSING SUPPORT FOR THE
HUMAN RIGHTS TORCH RELAY**

WHEREAS, the Chinese communist regime has been granted the honor of hosting the 2008 Olympics in Beijing with the provision that the nation improve its treatment of Chinese citizens; and

WHEREAS, human rights violations have increased in China since this honor was granted; and

WHEREAS, the Chinese regime imprisons millions of Christians, Tibetan Buddhists, Uighur Muslims, Falun Gong, democracy advocates, labor organizers, lawyers, journalists, environmental activists, political dissidents and other innocent citizens in slave labor camps without trial; and

WHEREAS, the Chinese regime illegally harvests vital body organs for sale without consent from Falun Gong prisoners of conscience; and

WHEREAS, the Chinese regime continues to occupy Tibet and attempts to erase the cultures of Tibetans and Muslim Uighurs; and

WHEREAS, the Chinese regime forces women to get abortions, even in the 3rd trimester of pregnancy, to enforce the "one child per family" rule; and

WHEREAS, the Chinese regime supports the dictatorships in Sudan, Burma, Zimbabwe and North Korea in perpetuating slaughter upon their citizens; and

WHEREAS, the Chinese regime prohibits freedom of religion, and those who practice their faith and beliefs in underground churches are arrested, imprisoned and persecuted; and

WHEREAS, the Chinese regime prohibits freedom of speech, controls the population with private and public surveillance and censors information on the Internet; and

WHEREAS, the Chinese regime prohibits freedom of the press and imprisons more journalists and reporters than any country in the world; and

WHEREAS, the Olympic Charter calls for the Olympic Games to represent "respect for universal fundamental ethical principles" and "the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity." It states that: "Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or other reason is inconsistent with membership in the Olympic Movement"; and

WHEREAS, the Human Rights Torch Relay is an international campaign that seeks to bring an end to all human rights abuses against the people of China and is dedicated to ending human rights abuses by the Chinese communist regime, to reestablishing the mandate of the Olympic Charter and to preserving the true Olympic spirit; 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, declare our support for the Human Rights Torch Relay campaign and proclaim April 2008 to be Human Rights Torch Relay Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be displayed at the office of the Secretary of State on behalf of the people of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 867

STATE OF MAINE
123RD MAINE LEGISLATURE

February 28, 2008

Sen. Peter B. Bowman
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
123rd Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine School of Science and Mathematics Board of Trustees:

Charles Sideman of Bar Harbor for appointment
Susan Hunter of Orono for appointment
Dr. Walter Specht of Topsham for appointment
David King of Limestone for reappointment
Michael Edgecomb of Spruce Head for reappointment

Pursuant to Title 20-A M.R.S.A. §8204 (1-G), these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 868

STATE OF MAINE
123RD MAINE LEGISLATURE

February 28, 2008

Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on Inland Fisheries and Wildlife
Rep. Troy Dale Jackson
House Chair, Joint Standing Committee on Inland Fisheries and Wildlife
123rd Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative Jackson:

Please be advised that Governor John E. Baldacci has nominated Richard Ruhlman of Brewer for reappointment to the Atlantic Salmon Commission.

Pursuant to Title 12 M.R.S.A. §9902-A, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

The Following Communication: S.P. 869

**STATE OF MAINE
123RD MAINE LEGISLATURE**

February 28, 2008

Sen. John L. Martin
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
123rd Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated the following to the Board of Environmental Protection:

Donald Guimond of Fort Kent for reappointment
P. Andrews Nixon of Brunswick for appointment
Lissa Widoff of Freedom for appointment

Pursuant to Title 38 M.R.S.A. Ch. 2 § 341-C, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 870

**STATE OF MAINE
123RD MAINE LEGISLATURE**

February 28, 2008

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Transportation
Rep. Boyd P. Marley
House Chair, Joint Standing Committee on Transportation
123rd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Marley:

Please be advised that Governor John E. Baldacci has nominated Dana Connors of Gray for reappointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23 M.R.S.A. §8112 (1), this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **TRANSPORTATION**.

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 Clarify the Licensure of Advanced Practice Registered Nurses"

H.P. 1408 L.D. 2024

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-694)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694)**.

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

READ ONCE.

Committee Amendment "A" (H-694) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Register Their Watercraft Online

H.P. 1474 L.D. 2088

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-688).**

Signed:

Senator:

BRYANT of Oxford

Representatives:

FINCH of Fairfield
EBERLE of South Portland
WHEELER of Kittery
LUNDEEN of Mars Hill
BRIGGS of Mexico
SARTY of Denmark

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

Signed:

Representatives:

JACKSON of Allagash
McLEOD of Lee

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688).**

Reports **READ.**

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-688) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committees on **INLAND FISHERIES AND WILDLIFE AND AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Inland Water Access" H.P. 1294 L.D. 1858

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-689).**

Signed:

Senators:

BRYANT of Oxford
NUTTING of Androscoggin
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
FINCH of Fairfield
EBERLE of South Portland
WHEELER of Kittery
LUNDEEN of Mars Hill
BRIGGS of Mexico
SARTY of Denmark
CARTER of Bethel
MAREAN of Hollis

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

Signed:

Senator:

ROTUNDO of Androscoggin

Representatives:

PIEH of Bremen
McLEOD of Lee
RICHARDSON of Carmel

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-689).**

Reports **READ.**

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

Senate

Ought to Pass As Amended

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act To Improve Transparency and Accountability in Government" S.P. 684 L.D. 1881

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-439).**

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

READ ONCE.

Committee Amendment "A" (S-439) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Correct the Uniform Limited Partnership Act of 2007"
S.P. 811 L.D. 2128

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-440)**.

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

READ ONCE.

Committee Amendment "A" (S-440) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Make Technical Corrections to the Employment Security Law" (EMERGENCY)

S.P. 801 L.D. 2007

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-437)**.

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

READ ONCE.

Committee Amendment "A" (S-437) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Join the Interstate Compact on the National Popular Vote"

S.P. 611 L.D. 1744

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
BRYANT of Windham

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

NASS of Acton
PINKHAM of Lexington Township

Reports **READ**.

Senator MARRACHÉ of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

On motion by Senator WESTON of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator MARRACHÉ of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report.

SECOND READERS

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

House As Amended

Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force"

H.P. 360 L.D. 461
(C "B" H-686)

Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY)

H.P. 1308 L.D. 1876
(C "B" H-669)

Bill "An Act To Assist Distressed Businesses Organized as Limited Liability Companies" (EMERGENCY)

H.P. 1374 L.D. 1940
(C "A" H-685)

Bill "An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection"

H.P. 1382 L.D. 1946
(C "A" H-692)

Bill "An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program" (EMERGENCY)

H.P. 1445 L.D. 2061
(C "A" H-691)

Bill "An Act To Strengthen the Crime of Visual Sexual Aggression against a Child"

H.P. 1465 L.D. 2079
(C "A" H-690)

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

H.P. 1522 L.D. 2142
(C "A" H-687)

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

Senate

Bill "An Act To Improve the Compliance and Accountability of the Child Development Services System"

S.P. 767 L.D. 1973

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile"

S.P. 535 L.D. 1512
(C "B" S-433)

Bill "An Act To Improve the Quality of Health Care in Maine"

S.P. 660 L.D. 1843
(C "A" S-435)

Bill "An Act To Give Municipalities Control of Mussels Located in Intertidal Zones"

S.P. 800 L.D. 2006
(C "A" S-434)

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:

Emergency Measure

An Act To Clarify Maine's "Do Not Call" Laws

S.P. 783 L.D. 1989
(C "A" S-413)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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 Establish a Minimum Suspension for Negligent Operation When a Fatality Results from a Motor Vehicle Accident

H.P. 1384 L.D. 1948
(C "A" H-673)

An Act To Secure the Sites Necessary for the Statewide Radio and Network System

H.P. 1497 L.D. 2111
(C "A" H-670; S "A" S-424)

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 Allow Blended Sentencing for Certain Juveniles

S.P. 691 L.D. 1897
(C "B" S-415)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters 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.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 4, 2008

The Chair laid before the Senate the following Tabled and Later (1/3/08) Assigned matter:

JOINT ORDER - To Recall L.D. 529 from the Legislative Files to the House

H.P. 1386

Tabled - January 3, 2008, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in concurrence

(In House, January 2, 2008, **READ** and **PASSED**.)

(In Senate, January 3, 2008, **READ**.)

Pursuant to Joint Rule 404 a Division was had. 7 Senators having voted in the affirmative and 24 Senators having voted in the negative, and 7 being less than two-thirds of those present and voting, **FAILED PASSAGE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/14/08) Assigned matter:

Bill "An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program" (EMERGENCY)

H.P. 1575 L.D. 2208

Tabled - February 14, 2008, by Senator **MITCHELL** of Kennebec

Pending - **REFERENCE**, in **NON-CONCURRENCE**

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

(In House, February 12, 2008, under suspension of the Rules, **READ TWICE AND PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

Sent down for 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 Fund the Universal Childhood Immunization Program"

H.P. 1603 L.D. 2242

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 Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation"

H.P. 1604 L.D. 2243

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** 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 Inland Fisheries and Wildlife**

The **Department of Inland Fisheries and Wildlife**, 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 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

H.P. 1602 L.D. 2241

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** 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 **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 4, 2008

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Wednesday, March 5, 2008, at 10:00 in the morning.