

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

Second Regular Session

January 2, 2008 to March 31, 2008

Pages 1320 - 1759

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

In Senate Chamber
Wednesday
March 5, 2008

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

Prayer by Pastor Elizabeth Bailey Roberts of Bartlett Memorial
United Methodist Church in North Jay.

PASTOR ROBERTS: Gracious and merciful God, we look around us this day at the beauty of Your creation. Even in the midst of the snow and ice we recognize Your hand at work and praise You for all of creation. Now having acknowledged Your power and beauty in all things, I do believe we are ready to celebrate Spring whenever You see fit to bring it our way. The salt supplies are running low, Lord, along with our patience with inclement weather. Lord, we pray for the safety of all those who travel this day. We give thanks for each person here who is committed to the task at hand. Grant them Your wisdom that they may make decisions guided by that which is good and right and holy. Braving the icy roads, this legislative Body has gathered this day to make decisions on behalf of the people of Maine. Help them to listen clearly, to reflect honestly, and to share openly with one another for guidance this day. We are mindful of the words of the prophet Micah, may we embrace his vision, which is to do justice, love mercy, and walk humbly with our God. Amen.

Reading of the Journal of Tuesday, March 4, 2008.

Doctor of the day, Jeffrey Bensen, MD of Freeport.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District" (EMERGENCY)

S.P. 864 L.D. 2234

In Senate, February 28, 2008, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Protect Children from Hazardous Lead-based Paint"

H.P. 1584 L.D. 2218

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.

COMMUNICATIONS

The Following Communication: S.P. 872

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 4, 2008

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Marine Resources
Rep. Leila J. Percy
House Chair, Joint Standing Committee on Marine Resources
123rd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Percy:

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

Pursuant to Title 12 M.R.S.A. §6137, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate. This was formerly under the jurisdiction of the Joint Standing Committee on Inland Fisheries and Wildlife. This letter shall serve as a correction to the Governor's previous letter of February 28, 2008.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and **REFERRED** to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

The Following Communication: S.C. 651

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

March 3, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2003 An Act To Create the Southern York County
Regional Development Authority
(EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 652

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 3, 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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2034 An Act To Prohibit the Sale of Energy Drinks to
Minors

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 653

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 3, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1966 Resolve, To Allow John Jorgensen To Sue the
State (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lisa T. Marraché
Senate Chair

S/Rep. John L. Patrick
House Chair

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

The Following Communication: S.C. 654

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 3, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1974 Resolve, To Prevent the Closing of Store Road
in Somerset County (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

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

The Following Communication: S.C. 655

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 3, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2183 Resolve, To Place a Sign on the Maine
Turnpike for the Black Mountain of Maine Ski
Area

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory
H.P. 1583 L.D. 2217

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TAXATION**.

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

REFERRED to the Committee on **TAXATION**, in concurrence.

Pursuant to Joint Order

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote the Agricultural Economy" (EMERGENCY)

H.P. 1606 L.D. 2245

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Joint Order, H.P. 1555.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State

H.P. 1519 L.D. 2139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-698)**.

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

READ ONCE.

Committee Amendment "A" (H-698) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Clarify the Application of Prevailing Wage Requirements"

H.P. 328 L.D. 412

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-640)**.

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
TUTTLE of Sanford
CLARK of Millinocket
HASKELL of Portland
JACKSON of Allagash
BURNS of Berwick
DRISCOLL of Westbrook

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

Signed:

Senator:
DOW of Lincoln

Representatives:
THOMAS of Ripley
HAMPER of Oxford
DUPREY of Hampden
SYKES of Harrison

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-640)**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 AS AMENDED** Report, in concurrence.

Senate

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

S.P. 735 L.D. 1930

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-441)**.

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

READ ONCE.

Committee Amendment "A" (S-441) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Agricultural Marketing and Bargaining"

S.P. 786 L.D. 1992

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-442)**.

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

READ ONCE.

Committee Amendment "A" (S-442) **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 Clarify the Licensure of Advanced Practice Registered Nurses"

H.P. 1408 L.D. 2024
(C "A" H-694)

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
(C "A" H-688)

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

Senate As Amended

Bill "An Act To Improve Transparency and Accountability in Government"

S.P. 684 L.D. 1881
(C "A" S-439)

Bill "An Act To Make Technical Corrections to the Employment Security Law" (EMERGENCY)

S.P. 801 L.D. 2007
(C "A" S-437)

Bill "An Act To Correct the Uniform Limited Partnership Act of 2007"

S.P. 811 L.D. 2128
(C "A" S-440)

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 Repeal the Ban on the Sale and Furnishing of Hard Snuff

S.P. 755 L.D. 1961
(C "A" S-423)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in the negative, and 29 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.

Emergency Measure

An Act To Clarify Retirement Programs for Participating Local Districts

H.P. 1530 L.D. 2150

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Act

An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System
H.P. 1525 L.D. 2146

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville

H.P. 1375 L.D. 1941
(H "A" H-681 to C "A" H-672)

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MARCH 5, 2008

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Thursday, March 6, 2008, at 10:00 in the morning.