

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
Thursday
March 13, 2008

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

Prayer by Reverend Tim Pemper of Hartland Baptist Church.

REVEREND PEMPER: Good morning. How many of you consider yourself to be optimistic people? Raise your hand. I love to be around optimistic people. My tie tac has a golf club with a gold ball on it. That seems to be optimistic for me. I'm ready to go golfing. Christian Larsen wrote a 'Creed for Optimists'. Before I pray, I'd just take a couple of seconds and share this with you. I have this hanging up in my office. I made 40 or 50 copies available at the office in case you would like to take one home. It's 'How to be a Somebody'.

1. Be so strong that nothing can disturb your peace of mind.
2. Make all your friends feel there is something special in them.
3. Always look at the sunny side of life.
4. Expect only the best from yourself.
5. Be as enthusiastic about the success of others as you are about your own.
6. Forget the mistakes of the past and press on to greater achievements of the future.
7. Greet everyone you meet with a smile.
8. Spend so much time improving yourself that you have no time left to criticize others.
9. Be too big for worry and too noble for anger.
10. Talk to God every day.

You and I have something in common, we're all servants of people and we need a strength outside of ourselves to do our job properly. Let us pray.

Thank You dear Lord so much that we can begin each day with a renewed optimism. Lord, we believe You are going to do something special for each and every one of us today and we look to You for Your strength. Lord, we look to You for Your sufficiency. We thank You for these men and these ladies. Lord, I pray that You will bless them. Bless their families. Bless their spouses and their children. Lord, meet all of their needs. Even though everyone doesn't always appreciate what they do, yet we know that they serve this state and they serve the people of Maine. For that we thank You. I thank You, Lord, that I can be here. Lord, we invite you into our proceedings this day and we ask, Lord, Your approval upon what we do. In Jesus' name we pay. Amen.

Doctor of the day, Carol Saunders, MD of Manchester.

Off Record Remarks

The Chair noted the absence of the Senator from Hancock, Senator **DAMON** and further excused the same Senator from today's Roll Call votes.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier"

H.P. 1618 L.D. 2256

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1617

**JOINT RESOLUTION COMMEMORATING THE HOLOCAUST
AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE
AWARENESS DAY AND YOM HASHOAH, THE DAY OF
REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS
OF THE HOLOCAUST**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

Reading of the Journal of Monday, March 10, 2008.

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, March 12, 2008 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; and

WHEREAS, each year there is a day designated internationally as a Day of Remembrance of the Victims of the Holocaust that is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27 to May 4, 2008 as the Days of Remembrance of the Victims of the Holocaust, with "Do Not Stand Silent: Remembering Kristallnacht 1938" as the focus for the 2008 observance; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; 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, pause in solemn memory of the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 887

STATE OF MAINE
123RD MAINE LEGISLATURE

March 11, 2008

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
123rd Legislature
Augusta, ME 04333
Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has withdrawn his following nominations to the Board of Pesticides Control pursuant to Title 3 M.R.S.A. § 154:

Deborah Aldridge for appointment
Daniel Simonds for reappointment
Thomas Qualey for reappointment

These nominations are currently pending before the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.C. 667

STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

March 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2043 An Act To Protect Student Athletes

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 668

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

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

- L.D. 2054 An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs (EMERGENCY)
- L.D. 2064 An Act To Amend the Provisions of the Homeless Youth Program
- L.D. 2086 Resolve, To Require the Department of Health and Human Services To Provide Appropriate Cost-of-living Adjustments for Certain Assisted Housing and Medical and Remedial Private Nonmedical Institutions

We have also notified the sponsors and cosponsors of each bill listed 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. 669

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

March 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2203 An Act To Ensure Adequate Funding for Conservation Districts

We have also notified the sponsor and cosponsors 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. 670

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

March 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2207 An Act To Diminish Global Warming

L.D. 2210 An Act To Promote the Use of Safer Chemicals
in Consumer Products

We have also notified the sponsors and cosponsors of each bill
listed of the Committee's action.

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore S. Koffman
House Chair

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

The Following Communication: S.C. 671

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

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

L.D. 2096 An Act Regarding International Trade
Agreements

L.D. 2201 An Act To Require a Municipality To Move a
Body Buried in the Wrong Grave
(EMERGENCY)

We have also notified the sponsors and cosponsors of each bill
listed 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. 672

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

March 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 Taxation has voted unanimously
to report the following bill out "Ought Not to Pass":

L.D. 2074 An Act To Reestablish Fairness in Corporate
Taxation by Taxing Real Estate Investment
Trusts (EMERGENCY)

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. John F. Piotti
House Chair

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

The Following Communication: S.C. 673

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

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

L.D. 2214 Resolve, To Provide Temporary Weight Limits
for Trucks Carrying Forest Products
(EMERGENCY)

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.**

The Following Communication: S.C. 666

**UNIVERSITY OF SOUTHERN MAINE
CENTER FOR EDUCATION POLICY, APPLIED RESEARCH &
EVALUATION
37 COLLEGE AVENUE
GORHAM, MAINE 04038**

March 7, 2008

Senate President Beth Edmonds
The Maine Senate
3 State House Station
Augusta, ME 04333

Dear President Edmonds,

The Maine State Legislature requested the Maine Education
Policy Research Institute, University of Southern Maine Office, to
compile and publish a comprehensive description of public
education in Maine each year. Appropriately, the recently
completed book is entitled The Condition of K-12 Public
Education in Maine 2008.

We would like to provide you and your staff with copies of the
book for use in your daily deliberations. We hope you will find the
information broad yet focused on the many aspects of K-12 public
education.

Sincerely,

S/David L. Silvernail
Director

S/Sharon Gerrish
Project Assistant

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

SENATE PAPERS

Resolve, Regarding ISO New England (EMERGENCY)
S.P. 884 L.D. 2254

Sponsored by Senator BARTLETT of Cumberland.
(GOVERNOR'S BILL)

Cosponsored by Representative BLISS of South Portland and
Senator: HOBBS of York, Representatives: ADAMS of
Portland, BERRY of Bowdoinham, BLANCHARD of Old Town,
FITTS of Pittsfield, HINCK of Portland, PINGREE of North Haven,
RINES of Wiscasset.

Bill "An Act To Protect Maine's Energy Sovereignty through the
Designation of Energy Infrastructure Corridors and Energy Plan
Development"

S.P. 885 L.D. 2255

Sponsored by Senator BARTLETT of Cumberland.
(GOVERNOR'S BILL)

Cosponsored by Representative BLISS of South Portland and
Senators: HOBBS of York, MILLS of Somerset,
Representatives: BERRY of Bowdoinham, BLANCHARD of Old
Town, FITTS of Pittsfield, FLETCHER of Winslow, PINGREE of
North Haven, RINES of Wiscasset.

REFERRED to the Committee on **UTILITIES AND ENERGY** 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 **MARTIN** of Aroostook, the following Joint
Order:

S.P. 886

ORDERED, the House concurring, that the Joint Standing
Committee on Natural Resources shall submit, to the Senate, a
bill establishing an outdoor wood boiler fund.

READ and **PASSED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Regarding Legislative Review of Portions of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

H.P. 1543 L.D. 2168

Reported that the same **Ought to Pass**.
Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1378 L.D. 1943

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance the Newborn Hearing Program"

H.P. 1492 L.D. 2106

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1537 L.D. 2163

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention (EMERGENCY)

H.P. 1541 L.D. 2166

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Expand the Natural Resources Protection Act Compensation Program"

H.P. 1589 L.D. 2223

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws"

H.P. 1397 L.D. 2013

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-720)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**.

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

READ ONCE.

Committee Amendment "A" (H-720) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Amend the Family Medical Leave Laws To Include Siblings"

H.P. 1514 L.D. 2132

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-725)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**.

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

READ ONCE.

Committee Amendment "A" (H-725) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-711)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-711)**.

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

READ ONCE.

Committee Amendment "A" (H-711) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.

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

READ ONCE.

Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation (EMERGENCY)

H.P. 1539 L.D. 2165

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-712)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712)**.

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

READ ONCE.

Committee Amendment "A" (H-712) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Special Education Evaluations
H.P. 1387 L.D. 1949

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699)**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg

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

Signed:

Representatives:

MAKAS of Lewiston
STRANG BURGESS of Cumberland

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-699) AND HOUSE AMENDMENT "A" (H-722)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-699) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-722) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Generate Savings by Changing Public Notice Requirements" (EMERGENCY)
H.P. 1310 L.D. 1878

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-684)**.

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China

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

Signed:

Representative:

SCHATZ of Blue Hill

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 "B" (H-684)**.
Reports **READ**.

Senator **SCHNEIDER** of Penobscot 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

Senator **SCHNEIDER** for the Committee on **STATE AND LOCAL GOVERNMENT** on 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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BOWMAN for the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 **Ought to Pass as Amended by Committee Amendment "A" (S-447)**.

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

READ ONCE.

Committee Amendment "A" (S-447) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Requiring the State To Use Valid Risk and Preventive Factors for Youth Programs

S.P. 804 L.D. 2114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-448)**.

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

READ ONCE.

Committee Amendment "A" (S-448) **READ** and **ADOPTED**.
ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Allow Changes of Beneficiaries under the Maine Public Employees Retirement System"

S.P. 790 L.D. 1996

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-453)**.

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

READ ONCE.

Committee Amendment "A" (S-453) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Resolve, To Determine Appropriate Buffer Zones for Landfill Construction and Expansion

S.P. 758 L.D. 1964

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-450)**.

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

READ ONCE.

Committee Amendment "A" (S-450) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management"

S.P. 830 L.D. 2169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-449)**.

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

READ ONCE.

Committee Amendment "A" (S-449) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Restore Equity to the Maine State Retirement System"

S.P. 600 L.D. 1693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-451)**.
Signed:

Senators:
STRIMLING of Cumberland
SULLIVAN of York

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
JOHNSON of Greenville

Reports **READ**.

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

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.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Ensure Fair Wages"

S.P. 604 L.D. 1697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-452)**.

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York

Representatives:

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

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
JOHNSON of Greenville

Reports **READ**.

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

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.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Certain Activities of Electric and Gas Utilities"

S.P. 815 L.D. 2135

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-454)**.

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BLANCHARD of Old Town
BLISS of South Portland
ADAMS of Portland
BERRY of Bowdoinham
HINCK of Portland

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

Signed:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison
RINES of Wiscasset
FLETCHER of Winslow
FITTS of Pittsfield

Reports **READ**.

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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.

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 Decrease Energy Costs on Swans Island and Frenchboro" (EMERGENCY)

H.P. 1425 L.D. 2041
(C "A" H-708)

Bill "An Act Regarding the Sale of Firearms to Minors"

H.P. 1435 L.D. 2051
(C "A" H-695)

Bill "An Act To Clarify the Laws Governing the Extension of Health Care Coverage to Dependents"

H.P. 1450 L.D. 2066
(C "A" H-710)

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

Senate As Amended

Bill "An Act To Reduce Drunk Driving"

S.P. 266 L.D. 856
(C "A" S-446)

Bill "An Act To Include the Town of Nobleboro within the Service Area of the Great Salt Bay Sanitary District"

S.P. 747 L.D. 1936
(C "A" S-444)

Bill "An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment" (EMERGENCY)

S.P. 844 L.D. 2193
(C "A" S-445)

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 Resolve

Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims

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

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

Acts

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

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

An Act To Clarify the Licensure of Advanced Practice Registered Nurses

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

An Act To Minimize the Potential for Slope Failure in Gravel Pits

S.P. 859 L.D. 2227

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 Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

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

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

Resolves

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

H.P. 1519 L.D. 2139
(C "A" H-698)

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

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online

H.P. 1474 L.D. 2088
(C "A" H-688)

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

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Uniform Building and Energy Code"

H.P. 1619 L.D. 2257

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, pursuant to Resolve, chapter 46.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, 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. 1620

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are locally owned and governed financial cooperatives dedicated and committed to serving the needs of their members. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions are devoted to the more than 600,000 Maine consumers who use credit unions; and

WHEREAS, Maine's credit unions are consistently recognized for serving their members, as indicated by the consistently high performance and satisfaction that consumers assign to Maine's credit unions. Since 1983, credit unions have ranked first in consumer satisfaction out of all financial institutions. With lower and fewer fees and an unmatched level of member service, Maine's credit unions are prominent in the State's financial services industry and continue to grow; and

WHEREAS, last year Maine ranked as the nation's 5th strongest credit union state based on the percentage of population that uses a credit union, a position Maine has held for 6 consecutive years. Nearly one in every 2 Maine residents uses a credit union; and

WHEREAS, the 1,950 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of Maine people helping Maine people by contributing to the communities they serve; and

WHEREAS, Maine's credit unions and their members have raised millions of dollars to help end hunger in Maine since 1990. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. Because of the commitment of Maine's credit unions to the cause of ending hunger in Maine, the State is recognized nationally for its leadership role in raising awareness of, funds for and solutions to the problem of hunger not only in Maine but in a growing number of other states as well; and

WHEREAS, in addition to working to end hunger, Maine's credit unions also provide hundreds of thousands of dollars to positively affect the lives of Maine people. The lives of Maine's citizens are positively affected every day because of the efforts of Maine's credit unions, which voluntarily contribute time and financial resources to organizations and agencies in their own communities, such as the Red Cross and the Special Olympics; and

WHEREAS, since 1921, Maine's credit unions have been a source of economic stability and assistance in helping thousands of people in communities across Maine realize financial success. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the Second Regular

Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 85 years. Their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 69 affiliated credit unions.

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

READ and **ADOPTED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 675

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

March 13, 2008

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

Dear Secretary O'Brien:

With reference to the Senate's action whereby it insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Amend the Laws Regarding School Funding" (S.P. 741) (L.D. 1932).

I have appointed as conferees on the part of the Senate the following:

Senator Peter Bowman of York
Senator Elizabeth Mitchell of Kennebec
Senator Kevin Raye of Washington

Sincerely,

S/Beth Edmonds
President of the Senate

READ and **ORDERED PLACED ON FILE**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **SNOWE-MELLO**: Thank you, Madame President. Today I have with me David Gonyea. He's a constituent of mine. In the other Body he received a very special sentiment in recognition. If you don't mine, I'd like to read it.

Dave Gonyea, of Auburn, who has been named Coach of the Year by the Yankee Small College Conference. Mr. Gonyea has coached the men's basketball team at Central Maine Community College for 14 years. Mr. Gonyea serves as the Director of Athletics, Housing and Residential Life at CMCC in Auburn. Under his leadership, the team has won 8 state titles, 2 regional crowns, and one national championship. Mr. Gonyea also serves as President of the USCAA Board of Directors.

I would like for us to extend congratulations to Mr. Gonyea on receiving this honor. He's a very special person.

THE PRESIDENT: The Chair recognizes in the rear of the Chamber David Gonyea. Would he please rise and accept the greetings of the Maine Senate.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Friday, March 14, 2008, at 10:00 in the morning.