

# 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 19, 2008

Senate called to order by President Pro Tem John L. Martin of  
Aroostook County.

Prayer by Father Lionel Chouinard of Holy Trinity Catholic Church  
in Lisbon Falls.

**FATHER CHOUINARD:** Seigneur Dieu, nous nous plaçons en ta  
presence aujourd'hui pour te rendre grace. C'est que nous  
voulons honorer les contributions de nos concitoyens Franco-  
Américains à l'histoire de l'Etat du Maine depuis les débuts de la  
colonisation sur l'île Ste-Croix jusqu'à nos jours, tant au point de  
vue matériel qu'au point de vue spirituel et culturel. Tu nous a  
bénis, Seigneur, et nous comptons toujours sur tes grâces  
aujourd'hui.

And so, today, a day is set aside to acknowledge the contribution  
of Franco Americans to the development and well being of our  
state. But as we do, Oh Lord, we also call for Your blessing on all  
our fellow citizens. May differences not divide us but rather unite  
us and be a source of new life for us as we grow in understanding  
and appreciation of the gifts each one can bring. Bless our  
leaders and our representatives, that always they be inspired to  
lead Your people in peace, justice, and harmony. For what has  
been, for what is today, and for what will be tomorrow, we ask for  
Your blessing and guidance. Amen.

Posting of the Colors by The Franco-American War Veterans,  
Post 31 of Lewiston.

Pledge of Allegiance led by Senator Margaret Rotundo of  
Androscoggin County.

Reading of the Journal of Tuesday, March 18, 2008.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

**COMMUNICATIONS**

The Following Communication: S.P. 892

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 18, 2008

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Simpson  
House Chair, Joint Standing Committee on Judiciary  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated  
Rae Ann French of Augusta for appointment as an Active Retired  
Maine District Court Judge.

Pursuant to Title 4, Chapter 5 M.R.S.A. §157-B, this nomination  
will require review by the Joint Standing Committee on Judiciary  
and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.C. 686

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

March 17, 2008

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the 123rd Maine Legislature, the Joint Standing Committee  
on Labor has had under consideration the nomination of Richard  
T. Metivier of Lewiston, for reappointment to the Maine Public  
Employees Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Strimling of Cumberland, Sullivan of York
	Representatives	7	Tuttle of Sanford, Burns of Berwick, Clark of Millinocket, Driscoll of Westbrook, Haskell of Portland, Jackson of Allagash, Johnson of Greenville
NAYS	Senator	1	Dow of Lincoln
	Representatives	2	Hamper of Oxford, Thomas of Ripley
ABSENT		1	Rep. Duprey of Hampden

Nine members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Richard T. Metivier of Lewiston, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Ethan Strimling  
Senate Chair

S/John L. Tuttle Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **MARTIN** of Aroostook, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

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The Following Communication: S.C. 687

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

March 17, 2008

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Catherine R. Sullivan of Portland, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Strimling of Cumberland, Sullivan of York
	Representatives	7	Tuttle of Sanford, Burns of Berwick, Clark of Millinocket, Driscoll of Westbrook, Haskell of Portland, Jackson of Allagash, Johnson of Greenville
NAYS	Senator	1	Dow of Lincoln
	Representatives	2	Hamper of Oxford, Thomas of Ripley
ABSENT		1	Rep. Duprey of Hampden

Nine members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Catherine R. Sullivan of Portland, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Ethan Strimling  
Senate Chair

S/John L. Tuttle Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **MARTIN** of Aroostook, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

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The Following Communication: S.C. 688

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

March 18, 2008

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of Dana F. Connors of Gray, for reappointment to the Northern New England Passenger Rail Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Damon of Hancock, Savage of Knox
	Representatives	9	Browne of Vassalboro, Cebra of Naples, Fisher of Brewer, Hogan of Old Orchard Beach, Mazurek of Rockland, Peoples of Westbrook, Rosen of Bucksport, Theriault of Madawaska, Thomas of Ripley
NAYS		0	
ABSENT		2	Rep. Marley of Portland, Sen. Diamond of Cumberland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dana F. Connors of Gray, for reappointment to the Northern New England Passenger Rail Authority be confirmed.

Signed,

S/Dennis S. Damon  
Senate Chair

S/Boyd P. Marley  
House Chair

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **MARTIN** of Aroostook, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

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#### SENATE PAPERS

Pursuant to Joint Order  
Joint Standing Committee on Natural Resources

Senator **MARTIN** for the **Joint Standing Committee on Natural Resources**, pursuant to Joint Order, S.P. 886 asked leave to report that the accompanying Bill "An Act Establishing an Outdoor Wood Boiler Fund"

S.P. 891 L.D. 2263

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

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

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

##### Joint Order

Expressions of Legislative Sentiment recognizing:

Melanie Dorice Saucier, of Fort Kent, who won the State of Maine VFW Patriot's Pen Essay Contest. The Patriot's Pen is an essay writing contest for youths endorsed by the National Association of Secondary School Principals. It is a nationwide competition that gives students in grades 6,7 and 8 the opportunity to write a 300-400 word essay expressing their views on democracy. Over 115,000 students participate in the contest nationwide. Melanie won the local competition, which was sponsored by the VFW Post 9609 in Fort Kent, won the VFW District I competition, and will go on to compete at the national level. She will be recognized at the MAINE VFW District Convention in the spring. We extend our congratulations to Melanie and wish her good luck at the national level;

SLS 552

Sponsored by Senator **MARTIN** of Aroostook.  
Cosponsored by Representative: **JACKSON** of Allagash.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. It is really my pleasure today to introduce, not for the first time since so many of you know her, Melanie who is here with us today. She did the presentation for us in the Hall of Flags today, as well as being in the House. She is an amazing young girl. She happens to be a constituent of mine and she has really done a fantastic job in learning how to sing, in part because her mother was one of those young singers when she was much

younger. Her mother is accompanying her here today. It really is a pleasure to congratulate her for winning this event and I think it's a really remarkable thing for this young lady. I really wish her the best in her career. They are both with us here this morning.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the Chamber Melanie Saucier and her mom. Would they please rise and receive the greetings of the Maine Senate.

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes"

H.P. 1567 L.D. 2197

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 **NATURAL RESOURCES** on Bill "An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection"

H.P. 1390 L.D. 1952

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-758)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-758)**.

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

**READ ONCE.**

Committee Amendment "A" (H-758) **READ** and **ADOPTED**, in concurrence.

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

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### Senate

#### Ought to Pass As Amended

Senator MARRACHÉ for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Meet the Emergency Needs of Maine Veterans" (EMERGENCY)

S.P. 779 L.D. 1985

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-468)**.

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

**READ ONCE.**

Committee Amendment "A" (S-468) **READ** and **ADOPTED**.

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

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Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Improve the Competitiveness of Maine's Boat Building Industry"

S.P. 402 L.D. 1214

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-469)**.

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

**READ ONCE.**

Committee Amendment "A" (S-469) **READ** and **ADOPTED**.

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

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

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## SECOND READERS

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

### House As Amended

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

H.P. 1423 L.D. 2039  
(C "A" H-723)

Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws"

H.P. 1453 L.D. 2069  
(C "A" H-752)

Bill "An Act To Allow Certain Assistance to Bear Hunters"

H.P. 1475 L.D. 2089  
(C "A" H-740)

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

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**Senate As Amended**

Bill "An Act Concerning Gasoline Station Vapor Recovery Requirements"

S.P. 765 L.D. 1971  
(C "A" S-465)

Resolve, To Name a Road in Dexter after Harold Alfond

S.P. 866 L.D. 2239  
(C "A" S-466)

**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.

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**ENACTORS**

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

**Emergency Resolve**

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

H.P. 1378 L.D. 1943

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.

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**Emergency Resolve**

Resolve, Regarding Special Education Evaluations

H.P. 1387 L.D. 1949  
(C "A" H-699; H "A" H-722)

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.

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**Emergency Resolve**

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

H.P. 1533 L.D. 2158  
(C "A" H-724)

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.

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**Emergency Resolve**

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

H.P. 1537 L.D. 2163

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.

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**Emergency Resolve**

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

H.P. 1541 L.D. 2166

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.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

H.P. 1543 L.D. 2168

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.

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**Acts**

An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws

H.P. 1397 L.D. 2013  
(C "A" H-720)

An Act To Enhance the Newborn Hearing Program

H.P. 1492 L.D. 2106

An Act To Amend the Family Medical Leave Laws To Include Siblings

H.P. 1514 L.D. 2132  
(C "A" H-725)

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  
(C "A" H-711)

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

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**Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation

H.P. 1539 L.D. 2165  
(C "A" H-712)

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Exempt Certain Facilities from Increased Fire Sprinkler Requirements"  
S.P. 775 L.D. 1981

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-471)**.

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

**READ ONCE**.

Committee Amendment "A" (S-471) **READ** and **ADOPTED**.

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

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All matters thus acted upon were ordered sent down forthwith for 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. 1629

**RÉSOLUTION CONJOINTE HONORANT  
LES FRANCO-AMÉRICAINS**

**Considérant que**, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

**Considérant que**, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

**Considérant que**, le français est la première langue de milliers de citoyens du Maine; et



**Considérant que**, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

**Considérant que**, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

**Considérant que**, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

**Considérant que**, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

**Considérant que**, 2008 marque le quatre-centième anniversaire de la fondation de la ville de Québec, un événement qui a introduit la culture française au Nouveau Monde; et

**Considérant que**, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

**Résolu**, que nous, les membres de la Cent-Vingt-troisième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 19 mars, 2008 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

**Résolu**, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

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**JOINT RESOLUTION RECOGNIZING  
FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the Francophone world; and

WHEREAS, 2008 marks the 400th anniversary of the founding of Quebec City, an event closely linked to the introduction of French culture into the New World; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; 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, proclaim that Wednesday, March 19, 2008 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

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

**READ** and **ADOPTED**, in concurrence.

---

Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

**NOMINATION** - of Richard T. Metivier of Lewiston for reappointment to the Maine Public Employees Retirement System Board of Trustees

Tabled - March 19, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 19, 2008, Communication (S.C. 686) from the Committee on **LABOR**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#302)**

YEAS: Senators: COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, RAYE, ROSEN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: BRANNIGAN, NUTTING, PLOWMAN

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, and 13 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Richard T. Metivier** of Lewiston for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

---

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

**NOMINATION** - of Catherine R. Sullivan of Portland for reappointment to the Maine Public Employees Retirement System Board of Trustees

Tabled - March 19, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 19, 2008, Communication (S.C. 687) from the Committee on **LABOR, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#303)**

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MILLS, NASS, RAYE, SAVAGE, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, PERRY, ROSEN, ROTUNDO, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: BRANNIGAN, NUTTING, PLOWMAN

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, and 13 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Catherine R. Sullivan** of Portland, for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

---

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

**NOMINATION** - of Dana F. Connors of Gray for reappointment to the Northern New England Passenger Rail Authority

Tabled - March 19, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 19, 2008, Communication (S.C. 688) from the Committee on **LABOR, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#304)**

YEAS: Senators: BROMLEY, BRYANT, SHERMAN

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: BRANNIGAN, NUTTING, PLOWMAN

3 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 3 Senators being absent, and 3 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dana F. Connors** of Gray for reappointment to the Northern New England Passenger Rail Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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The Chair laid before the Senate the following Tabled and Later (3/14/08) Assigned matter:

NOMINATION - of James W. Tracy of Farmingdale for reappointment to the Maine State Harness Racing Commission

Tabled - March 14, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 14, 2008, Communication (S.C. 677) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, READ and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#305)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: BRANNIGAN, NUTTING, PLOWMAN

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James W. Tracy** of Farmingdale for reappointment to the Maine State Harness Racing Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

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Off Record Remarks

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Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, until Thursday, March 20, 2008, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Edward P. Povich of Ellsworth.