

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
Thursday
March 20, 2008

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

Prayer by Reverend Glenn Peterson of Hope Baptist Church in
Manchester.

REVEREND PETERSON: Almighty God, we praise You today. You are a God of hope. These are challenging days for the people of this state and these are challenging days for the people who are serving You in this Senate. There are many difficult choices that lie before these Senators. Sometimes the difficulties of these choices can lead to frustration, discouragement, and a sense of hopelessness. I pray that You will remind these Senators that there is always hope in You. I pray that You will remind them today of the hope of Easter that we celebrate this Sunday. When Your son was crucified on Good Friday it looked like all hope was gone. It looked like there was no future. On Easter Sunday You raised Jesus from the dead in a display of Your great power. When Jesus walked out of the grave You showed people that all things are possible with You. You showed people that new life is possible and You showed people that as long as we have You we have hope. Oh God, don't let these Senators lose hope. Encourage them, strengthen them, give them Your wisdom in working on problems that seem to have no solution, bring them together in unity, and most of all, give them the hope of Easter today. In Your great name we pray. Amen.

Reading of the Journal of Wednesday, March 19, 2008.

Doctor of the day, Brian Jumper, MD of Falmouth.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 894

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 25, 2008. The House will convene at 9:00 and the Senate at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System"

H.P. 1628 L.D. 2265

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

SENATE PAPERS

Bill "An Act To Promote Municipal Wind Generation Development"

S.P. 893 L.D. 2266

Sponsored by Senator **MARTIN** of Aroostook.
Cosponsored by Representative **BLISS** of South Portland and Senator: **BARTLETT** of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **BARTLETT** of Cumberland, **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.

REPORTS OF COMMITTEES

House

Pursuant to Statute

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Energy Conservation by the Maine State Housing Authority Pursuant to the State Government Evaluation Act Review"

H.P. 1627 L.D. 2264

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Degree-granting Authority to the Landing School of Boatbuilding and Design" (EMERGENCY)

H.P. 1409 L.D. 2025

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-759)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759)**.

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

READ ONCE.

Committee Amendment "A" (H-759) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Parents of Children with Disabilities Access to Ombudsman Services"

H.P. 1411 L.D. 2027

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-760)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.

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

READ ONCE.

Committee Amendment "A" (H-760) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma"

H.P. 1548 L.D. 2174

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**.

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

READ ONCE.

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-762)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762)**.

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

Committee Amendment "A" (H-762) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Create a Special License Plate To Support Breast Cancer Support Services"

H.P. 593 L.D. 775

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-766)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**.

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

READ ONCE.

Committee Amendment "A" (H-766) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Maine Consumers of Electricity"

H.P. 1434 L.D. 2050

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-767)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-767)**.

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

READ ONCE.

Committee Amendment "A" (H-767) **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 Bill "An Act To Require Boating Safety Education" (EMERGENCY)

H.P. 1451 L.D. 2067

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

Signed:

Senator:
BRYANT of Oxford

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
RICHARDSON of Carmel
LUNDEEN of Mars Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-739)**.

Signed:

Senator:
PERRY of Penobscot

Representatives:

EBERLE of South Portland
BRIGGS of Mexico
SARTY of Denmark

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

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund
H.P. 1209 L.D. 1726

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-755)**.

Signed:

Senators:
DAMON of Hancock
SAVAGE of Knox
DIAMOND of Cumberland

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
BROWNE of Vassalboro
HOGAN of Old Orchard Beach
ROSEN of Bucksport
CEBRA of Naples
THERIAULT of Madawaska

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

Signed:

Representatives:

MARLEY of Portland
FISHER of Brewer
THOMAS of Ripley

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-755)**.

Reports **READ**.

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

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

YEAS: Senators: BENOIT, BOWMAN, BROMLEY, COURTNEY, DAMON, DIAMOND, HOBBS, MILLS, NUTTING, PERRY, SCHNEIDER, SULLIVAN

NAYS: Senators: BARTLETT, BRANNIGAN, BRYANT, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: ROTUNDO

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator **DAMON** for the Committee on **MARINE RESOURCES** on Bill "An Act To Preserve the Cobscook Bay Scallop Fishery" S.P. 774 L.D. 1980

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-472)**.

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

READ ONCE.

Committee Amendment "A" (S-472) **READ** and **ADOPTED**. **ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

SECOND READERS

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

House

Bill "An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes"

H.P. 1567 L.D. 2197

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

House As Amended

Bill "An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection"

H.P. 1390 L.D. 1952
(C "A" H-758)

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

Senate As Amended

Bill "An Act To Improve the Competitiveness of Maine's Boat Building Industry"

S.P. 402 L.D. 1214
(C "A" S-469)

Bill "An Act To Exempt Certain Facilities from Increased Fire Sprinkler Requirements"

S.P. 775 L.D. 1981
(C "A" S-471)

Bill "An Act To Meet the Emergency Needs of Maine Veterans" (EMERGENCY)

S.P. 779 L.D. 1985
(C "A" S-468)

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 Expand Access to Foreign Language Instruction in Maine Schools

H.P. 1469 L.D. 2083
(C "A" H-733)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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 Include the Town of Nobleboro within the Great Salt Bay Sanitary District

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

An Act To Allow Community Service in Lieu of Fines

H.P. 1372 L.D. 1938
(C "A" H-736)

An Act To Amend the Election Laws

H.P. 1496 L.D. 2110
(C "A" H-737)

An Act To Further Clarify Worker Payments for Clothing and Equipment

H.P. 1574 L.D. 2205

An Act To Expand the Natural Resources Protection Act Compensation Program

H.P. 1589 L.D. 2223
(S "A" S-456)

An Act Containing the Recommendations of the Criminal Law Advisory Commission

H.P. 1600 L.D. 2240
(C "A" H-735)

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 Reduce Drunk Driving

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. This bill is going to take a little detour before it gets back to us. I rise to put some remarks on the record so that this Body can share in the good work that brought this bill this far. We often get accused of, and sometimes engage in, making sausage, but I would just want to tell you that this bill is the finest of culinary arts. To that point, this bill is a bill that puts interlock devices on cars of people that have a drunk driving problem. Why I'm rising to speak about this is because the product that first came before the Criminal Justice Committee was not ready for prime time. I so want to thank the good Senator from Cumberland, Senator Diamond, the good Senator from Aroostook, Senator Sherman, and the Senator from Kennebec, Senator McCormick, in being stalwart supporters of this process to bring this bill this far. With all we have before us, all the disagreements we have, and all the tough work we had, particularly on the Criminal Justice Committee, I simply want to point out that what we did was the people's business at its best. We're increasing public safety. We're also giving a little positive fiscal note to the Highway Table, not that it needs it. We're also making it possible for people that want to mend and heal their lives to do that by being on our roads safely. It's simply to say thank you to my legislative colleagues in and outside of this Chamber as well as a very fine group of stakeholders that worked diligently to bring this product this far. I think it's going to fly through here in another moment, but I just wanted to stop and pause in the action to put my thanks and congratulations to all that helped on the record. Thank you, Madame President.

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

H.P. 1405 L.D. 2021
(C "A" H-731)

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

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

H.P. 1510 L.D. 2131
(C "A" H-734)

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Ensure the Integrity of Prepaid Calling Accounts
H.P. 1550 L.D. 2180
(C "A" H-744)

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. I rise with respect to L.D. 2180 only to clarify, on the record, one small point and to make a further inquiry to anyone who may wish to respond. L.D. 2180 is 'An Act to Ensure the Integrity of Prepaid Calling Accounts'. Since the committee last saw this bill some question has arisen as to whether this bill applies to wireless. It is my understanding that it does not. I would pose a question to anyone else who may wish to clarify this point, as to whether they agree with this interpretation. Thank you.

THE PRESIDENT: The Senator from Piscataquis, Senator Smith poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. I would concur with the good Senator from Piscataquis, Senator Smith, that our intent was not to cover wireless calling cards. The focus of our committee work was on the traditional landline telephone cards.

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

Senator **BRANNIGAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **BRANNIGAN:** Thank you, Madame President. Do these cards escheat to the State?

THE PRESIDENT: The Senator from Cumberland, Senator Brannigan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you, Madame President. Certain people don't have a clue. I just want to take any opportunity I can to discuss the abandoned property laws of our state, which are being flaunted by corporations across the country. When somebody buys a gift card, and I don't understand any reason why prepaid calling cards aren't the same, they belong to the

people who have paid the money, or the people to whom they have been given as a gift. If those aren't used, that money belongs to the people of the state, where we often try to find the owner. If not, it belongs to the State and not to these huge corporations that are sucking up this money. We're \$17 million down because corporations have not fulfilled their requirements. We have good corporations, of course, like L.L. Bean and others who do escheat to the State. I think calling cards should be included. I'll be talking to the Treasurer about that. He's the one who deals with these issues. I don't see any difference between these and gift cards. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President, ladies and gentlemen of the Senate. I would encourage all purchasers and recipients of calling cards and gift cards to redouble their efforts to use them and stimulate this economy. Thank you.

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

Resolve

Resolve, Directing the Secretary of State To Work with the Legislative Youth Advisory Council To Establish a Program Regarding Educating Youth about Voting

H.P. 1509 L.D. 2130
(C "A" H-738)

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Strengthen Maine's Consumer Protections against 'Slamming'"

H.P. 1632 L.D. 2269

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, 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. 1634

**JOINT RESOLUTION RECOGNIZING MAINE'S BANKING
INDUSTRY AND THE MAINE BANKERS ASSOCIATION**

WHEREAS, Maine's banking industry, its employees and the members of the Maine Bankers Association have been serving the banking and financial services needs of Maine's communities and citizens for over 150 years; and

WHEREAS, Maine's financial institutions and the more than 10,000 employees of those institutions have contributed millions of dollars and thousands of volunteer hours to enhance the quality of life in Maine's communities; and

WHEREAS, the banking industry's commitment to its communities has been recognized by consistently high evaluations under the federal Community Reinvestment Act; and

WHEREAS, the members of the Maine Bankers Association are giving back to their communities by providing financial literacy programs to Maine's youth and young adults, including the Junior Achievement program and the American Bankers Association's and Maine Bankers Association's annual Teach Children to Save Day program, which will teach students in elementary schools throughout the State on April 29, 2008 about the importance of saving and how to save; and

WHEREAS, the American Bankers Association and the Maine Bankers Association have also established the Get Smart About Credit program; and

WHEREAS, the banking industry's members and employees annually demonstrate their commitment to children and the communities that they serve by donating thousands of volunteer hours and millions of dollars in community contributions; and

WHEREAS, the banking industry's commitment to volunteerism and to assisting Maine's youth in particular is exemplified by the 2008 Maine Bankers Association America's Promise Volunteers:

Stacey Sinford	Bar Harbor Bank & Trust
Peggy Morin	Maine Bank & Trust
Beth Ryan	Katahdin Trust Company
Angel Quick	Skowhegan Savings Bank
Trish Hansen	Merrill Bank
Cheri Doak	Key Bank
Roberta Nelson	Bank of America
Denise Griffin	The First, N.A.
Gloria Harris	The First, N.A.
John Rothwell	Northeast Bank; and

WHEREAS, the members of the Maine Bankers Association continue to demonstrate their financial support for Maine's high school graduates attending universities and community colleges in Maine individually through their own institutional scholarship

programs and together through the Maine Higher Education Assistance Foundation's scholarship program; and

WHEREAS, the State's banking industry is an important supporter of the Maine Bar Association's IOLTA program, which provides legal services for Maine's disadvantaged citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, on behalf of the people we represent take this occasion to recognize Maine's banking industry and the Maine Bankers Association for their continued commitment and contributions to their communities and for supporting Maine's long tradition of service to others and to recognize the industry's commitment to providing needed financial literacy programs, educational scholarships for Maine's high school graduates and support for the IOLTA legal services program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the 2008 America's Promise Volunteers.

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:

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **TAXATION** on Bill "An Act To Change the Formula for Calculation of the Motor Vehicle Excise Tax"
H.P. 1633 L.D. 2270

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to Resolve, chapter 107.

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

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 690

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

March 20, 2008

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

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.3, I am appointing myself to replace Senator Peggy Rotundo of Androscoggin as Senate Chair of the Joint Standing Committee on Appropriations and Financial Affairs, effective immediately.

Please note this is a temporary appointment and will remain in effect until further notice.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 843 L.D. 2185

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-473).**

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

READ ONCE.

Committee Amendment "A" (S-473) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1502 L.D. 2122

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 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General (EMERGENCY)

H.P. 1544 L.D. 2170

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Repeal the Cap on Rental Rates for State Submerged Lands"

H.P. 1407 L.D. 2023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-770)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**.

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

READ ONCE.

Committee Amendment "A" (H-770) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prevent the Theft of Certain Metals"

H.P. 1504 L.D. 2124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-771)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)**.

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

READ ONCE.

Committee Amendment "A" (H-771) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Relating to the Department of Corrections"

H.P. 1391 L.D. 1953

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-769)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**.

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

READ ONCE.

Committee Amendment "A" (H-769) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Life Insurance Consumers"
H.P. 1477 L.D. 2091

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-774)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)**.

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

READ ONCE.

Committee Amendment "A" (H-774) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Full Payment of Annuity Death Benefits"

H.P. 1569 L.D. 2200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-772)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**.

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

READ ONCE.

Committee Amendment "A" (H-772) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Resolve, To Assist Maine's Forest Products Industry (EMERGENCY)

H.P. 1588 L.D. 2222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-775)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**.

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

Committee Amendment "A" (H-775) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1635

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government is authorized to submit a bill to the House in the Second Regular Session of the 123rd Legislature on matters pertaining to the reporting requirements of boards and commissions listed in the Maine Revised Statutes, Title 5, chapter 379.

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

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/18/08) Assigned matter:

COMMITTEE OF CONFERENCE REPORT - on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

S.P. 741 L.D. 1932

(S "D" S-419 to C "A" S-410;

S "B" S-420; S "C" S-430)

Report - That the Senate **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (S-410) as Amended by Senate Amendment "D" (S-419) thereto, and Senate Amendments "B" (S-420) and "C" (S-430)**. **Recede** from **Adoption** of Committee Amendment "A" (S-410) as Amended by Senate Amendment "D" (S-419) thereto, and **Indefinitely Postpone** same. **Recede** from **Adoption** of Senate Amendment "B" (S-420) and **Indefinitely Postpone** same. **Recede** from **Adoption** of Senate Amendment "C" (S-430) and **Indefinitely Postpone** same. **Read** and **Adopt** Committee of Conference Amendment "A" (S-467) and **Pass to be Engrossed as Amended by Committee of Conference Amendment "A" (S-467)**, in **Non-Concurrence**. That the House **Recede** and **Concur**.

Tabled - March 18, 2008, by Senator **BOWMAN** of York

Pending - ACCEPTANCE OF REPORT

(In Senate, March 18, 2008, Report **READ**.)

On motion by Senator **MARTIN** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#307)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, HASTINGS, MILLS, NASS, PLOWMAN, ROSEN, SNOWE-MELLO, TURNER

ABSENT: Senator: ROTUNDO

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the Report **ACCEPTED**.

On motion by Senator **BOWMAN** of York, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** thereto, **AND SENATE AMENDMENTS "B" (S-420) AND "C" (S-430)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "B" (S-420)** and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "C" (S-430)** and **INDEFINITELY POSTPONED** same.

Committee of Conference Amendment "A" (S-467) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-467), in NON-CONCURRENCE.

Sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 25, 2008, at 10:00 in the morning.