

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

In Senate Chamber
Tuesday
January 30, 2007

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

Prayer by Reverend Michelle Grube, of Peoples United Methodist Church in Union.

REVEREND GRUBE: Let us pray. To You, oh Devine One from whose hands come the work of creation so artfully designed, we pray that this work that these Senators are about to do may be done in companionship with You. May the work that these Your servants soon begin, sing praise to You as songbirds do. May the work that these Senators will soon begin add to the light of Your presence because it is done with great love. May the work that these lawmakers will soon begin speak like a prophet of old of Your dream of beauty and unity. May the work of these gathered here today will soon begin be a shimmering mirror of Your handiwork in the excellence of its execution, in the joy of doing it for its own sake, in the poverty of ownership of it, in their openness to failure or success, in their invitation to others to share in it, and in its bearing of fruit for their world. May these Senators be ware that through this work they draw near to You. We come to You, Beloved, with ready hands and hearts open. Amen.

Pledge of Allegiance led by Senator Bill Diamond of Cumberland County.

Reading of the Journal of Thursday, January 25, 2007.

Doctor of the day, Lisa Clarcq, DO of Wayne.

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

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MITCHELL** of Kennebec, the following Senate Order: S.O. 13

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:00 this morning in the Hall of the House for the purpose of extending to Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend and make such communication as pleases the Chief Justice.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **MITCHELL** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **MITCHELL** reported that she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide Equity in County Jail Maximum Sentences"

H.P. 263 L.D. 329

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Comes from the House, with the Bill and accompanying papers **INDEFINITELY POSTPONED.**

On motion by Senator **DIAMOND** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**, in **NON-CONCURRENCE.**

Joint Order

The following Joint Order:

H.P. 267

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 305-A to read:

Rule 305-A. Research required

Nonpartisan committee staff shall conduct background research on all bills and resolves referred to a committee and shall present their research findings to the committee before a public hearing is held on those bills or resolves.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES.**

READ and REFERRED to the Joint Select Committee on **JOINT RULES**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 132

January 25, 2007

Sen. Philip L. Bartlett II
Senate Chair, Joint Standing Committee on Utilities and Energy
Rep. Lawrence Bliss
House Chair, Joint Standing Committee on Utilities and Energy
123rd Legislature
Augusta, ME 04333

Dear Senator Bartlett and Representative Bliss:

Please be advised that Governor John E. Baldacci has nominated Richard Davies of Hallowell for appointment as the Public Advocate.

Pursuant to M.R.S.A. Title 35-A §1701, this nomination will require review by the Joint Standing Committee on Utilities and Energy 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 **UTILITIES AND ENERGY**.

Sent down for concurrence.

The Following Communication: S.C. 51

**STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND, MAINE 04112**

January 10, 2007

The Honorable Beth G. Edmonds
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Edmonds and Speaker Cummings:

I am pleased to accept your invitation to address a Joint Session of the 123rd Maine Legislature on Tuesday, January 30, 2007, at 11:00 A.M. I appreciate the courtesy of the Legislative Branch of Government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on January 30, 2007.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 52

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF INTEGRATED ACCESS AND SUPPORT
DIVISION OF SUPPORT ENFORCEMENT AND RECOVERY**

January 8th, 2007
Senate President Beth Edmonds
Senate President Office
3 State House Station
Augusta, Maine 04333-0003

Re: Child Support Enforcement License Revocation Report:
January 1, 2004 through December 31st 2006

Dear Senate President Edmonds:

In accordance with 19-A MRSA § 2201(15) and 2202(12) the Department of Health and Human Services, Office of Integrated Access and Support, Division of Support Enforcement and Recovery (DSER) is responsible for reporting biennially to the Legislature and the Governor regarding the license revocation process. In 1993, the elements of the Report were formulated at the Legislative Session prior to the actual implementation of the process. Unfortunately, the information required by statute does not reflect how the law is applied today. The attached License Revocation Report best reflects the actual process, and gives an accurate portrayal of how DSER uses this law, and the periodic results. Also attached hereto is a national study completed by the Office of the Inspector General regarding the effectiveness of several States' license revocation laws.

For Professional and Recreational Licenses:

Requirement #1:

The following is a Report of the number of support obligors identified as holding licenses subject to this section. DSER must precede all enforcement actions by sending a Notice of Debt to all non-custodial parents. The Notice of Debt confirms the amount of support ordered and unpaid balances owed; and it lists the various types of enforcement remedies available to DSER to compel compliance with child support collections. For

the reporting period ending December 31, 2006, DSER had an obligated caseload of 57,305. All of these cases become immediately eligible for license revocation if all steps have been unsuccessful to collect support, and there have been no payments in the last 60 days. DSER does not identify individual licenses that are held, but rather contacts all licensing agencies within Maine asking that all licenses held by non-paying non-custodial parents be suspended.

Requirement #2:

The following is a Report of the number of support obligors identified by the Department who are not in compliance with an order for support. During this reporting period, DSER suspended 5,569 professional business and recreational licenses of individuals who were not in compliance with their orders for support. Each case is reviewed individually to make certain it meets the requirements for suspension as provided by statute.

Requirement #3:

The following is a Report of the number of enforcement actions taken by the Department and the results of those enforcement actions. DSER records show 5,569 professional business and recreational licenses were suspended by licensing agencies in Maine. At the request of DSER 3,425 licenses were reinstated as a result of payment agreements entered into by non-custodial parents. It is important to note that future noncompliance with a payment agreement may result in immediate suspension of all licenses held by the nonpaying obligor.

For Drivers Licenses:

Requirement #1:

The following is a Report of the number of notices served upon obligors by the Department. DSER issued in excess of 13,200 Notices of Debt during this reporting period. This number combined with DSER's obligated caseload is now the eligible caseload for drivers' licenses suspension. More than 6,651 drivers' licenses were suspended as a result of actions by DSER during this reporting period.

Requirement #2:

The following is a Report of the number of obligors served notice under this section who requested a hearing. DSER and the Office of the Administrative Hearings do not track the specific type of hearing request received from non-custodial parents. A poll of regional staff handling these hearings estimate less than 100 hearings were scheduled statewide to address this issue.

Requirement #3:

The following is a Report of the number of hearings held under this section, the results of the hearings, and the number of cases settled without the need for a hearing. DSER estimates that 50 of the scheduled hearings were settled prior to or during the administrative hearing, and the majority of the remainder were abandoned by the non-custodial parents. Several obligors were able to demonstrate circumstances that would warrant reinstatement of suspended licenses. Additionally, 4,267

suspension proceedings were settled shortly after certification, and statements of compliance were issued to the Bureau of Motor Vehicles as a direct result of payment agreements obtained by DSER.

Requirement #4:

The following is a Report of the number of support obligations certified to the Secretary of State for noncompliance with an order for support. 6,651 obligors were certified to the Secretary of State from January 1, 2004 through December 31, 2006 for noncompliance with an order for support.

Requirement #5:

The following is a Report of the costs incurred in the implementation and enforcement of this section and the Department's actions. DSER estimates direct costs under this section to be less than \$100,000 from January 1, 2004 through December 31, 2006.

Thank you for the opportunity to report on this valuable child support enforcement remedy. Our hope is to work together to develop the most informative Report that illustrates the effectiveness of the license revocation process to the child support program.

Sincerely,

S/Stephen L. Hussey
Director
Division of Support Enforcement and Recovery

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

The Following Communication: S.C. 53

**THE UNIVERSITY OF MAINE
5715 COBURN HALL
ORONO, MAINE 04469-5715**

January 26, 2007

Joy J. O'Brien
Secretary of the Senate
3 State House Station
3rd Floor, Room 327 State House
Augusta, ME 04333

RE: Maine State Government Summer Internship Program
Dear Secretary O'Brien:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2006 Maine State Government Summer Internship Report for distribution to the Members of the State Senate.

The Maine State Government Summer Internship Program is a full-time, 12 week, paid work experience in a state agency. The

program combines work experience with an educational program designed to provide talented Maine college students with an opportunity to participate in and contribute to Maine State Government. Student applications must be received by the Margaret Chase Smith Policy Center by Monday, March 19, 2007. Application forms can be downloaded at <http://www.umaine.edu/mcsc/MeSGIP.htm>.

Thank you for your assistance in making this report available to the Members of the Senate.

Yours truly,

S/Charles E. Morris
Research Associate
Director, Maine State Government Summer Internship Program

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Maintain, Improve and Develop Trails"

S.P. 133 L.D. 432

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative MAZUREK of Rockland and Representatives: EBERLE of South Portland, HOGAN of Old Orchard Beach, MARLEY of Portland, PEOPLES of Westbrook, THERIAULT of Madawaska.

Bill "An Act To Authorize a General Fund Bond Issue To Revitalize Communities and Expand Maine's Innovative Economy through the New Century Program"

S.P. 141 L.D. 440

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Speaker CUMMINGS of Portland and Senators: BARTLETT of Cumberland, MITCHELL of Kennebec, TURNER of Cumberland, Representatives: ADAMS of Portland, PERCY of Phippsburg, PINGREE of North Haven, RECTOR of Thomaston, WEBSTER of Freeport.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local Authorities"

S.P. 142 L.D. 441

Sponsored by Senator HOBBS of York.
Cosponsored by Representative BERUBE of Lisbon and Senators: DOW of Lincoln, SCHNEIDER of Penobscot,

Representatives: AUSTIN of Gray, BEAUDETTE of Biddeford, BEAULIEU of Auburn, RECTOR of Thomaston.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness"
S.P. 147 L.D. 446

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative GERZOSKY of Brunswick, Representative SILSBY of Augusta and Senators: McCORMICK of Kennebec, SHERMAN of Aroostook, Representatives: CLARK of Millinocket, HASKELL of Portland, HILL of York, PLUMMER of Windham.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Improve Equity in School Funding"
S.P. 149 L.D. 448

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative SUTHERLAND of Chapman and Senators: MILLS of Somerset, NUTTING of Androscoggin, SHERMAN of Aroostook, WESTON of Waldo, Representatives: CROSTHWAITE of Ellsworth, EDGECOMB of Caribou, McFADDEN of Dennysville, PINGREE of North Haven.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund"

S.P. 137 L.D. 436

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative WALKER of Lincolnville and Senators: MARRACHÉ of Kennebec, ROSEN of Hancock.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Reform the Dirigo Health Program"
S.P. 140 L.D. 439

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative JACOBSEN of Waterboro and
Senators: DOW of Lincoln, McCORMICK of Kennebec, SNOWE-
MELLO of Androscoggin, Representatives: LANSLEY of
Sabattus, McKANE of Newcastle, NASS of Acton, ROBINSON of
Raymond, VAUGHAN of Durham.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Bond Requirements for Estates of
Decedents"
S.P. 134 L.D. 433

Sponsored by Senator HASTINGS of Oxford.
Cosponsored by Representative ROBINSON of Raymond and
Senators: BARTLETT of Cumberland, HOBBS of York, MILLS
of Somerset, SMITH of Piscataquis, Representative: MILLS of
Farmington.

On motion by Senator **HOBBS** of York, **REFERRED** to the
Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Landlord-tenant Laws"
S.P. 130 L.D. 383

Sponsored by Senator COURTNEY of York.

Bill "An Act To Allow a Voter To Preserve the Confidentiality of
That Voter's Presence at the Polls"
S.P. 135 L.D. 434

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Representative THOMAS of Ripley.

REFERRED to the Committee on **LEGAL AND VETERANS
AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Address the Reporting of Oil Spills"
S.P. 138 L.D. 437

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Senator: BRYANT of Oxford, Representatives:
PATRICK of Rumford, THERIAULT of Madawaska.

Bill "An Act To Require the Department of Environmental
Protection To Meet the Federal Requirements on Regional Haze
Visibility Impairment"
S.P. 144 L.D. 443

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative KOFFMAN of Bar Harbor and
Senator: TURNER of Cumberland, Representative: RECTOR of
Thomaston.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

Resolve, Directing the Department of Environmental Protection
To Review the Maine Pollutant Discharge Elimination
System/Waste Discharge License Program Fee System
S.P. 145 L.D. 444

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative DUCHESNE of Hudson and
Representatives: ANNIS of Dover-Foxcroft, BABBIDGE of
Kennebunk.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the
Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Correct an Inconsistency in Unemployment
Insurance Tax Law"
S.P. 129 L.D. 382

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative JACKSON of Allagash and
Senators: DOW of Lincoln, SAVAGE of Knox, Representatives:
CRESSEY of Cornish, DUPREY of Hampden, WOODBURY of
Yarmouth.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Committee on **TAXATION** suggested and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **LABOR**.

Sent down for concurrence.

Resolve, To Improve Driver Education Programs
S.P. 139 L.D. 438

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and
Senator: DAMON of Hancock.

Bill "An Act To Amend the Laws Pertaining to Advertisements on Motor Vehicles Used in Driver Education"

S.P. 143 L.D. 442

Sent down for concurrence.

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative ROSEN of Bucksport and Senators: MITCHELL of Kennebec, SAVAGE of Knox, Representative: MAZUREK of Rockland.

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

Resolve, To Improve the Registration Process for Commercial Motor Vehicles

S.P. 148 L.D. 447

ORDERS

Joint Orders

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Senator: BRANNIGAN of Cumberland, Representatives: DRISCOLL of Westbrook, PENDLETON of Scarborough, PEOPLES of Westbrook.

On motion by Senator **BROMLEY** of Cumberland, the following Joint Order:

S.P. 131

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

ORDERED, the House concurring, that:

Sent down for concurrence.

1. Joint Standing Committee on Taxation; authorized meetings. The Joint Standing Committee on Taxation shall hold committee meetings during the First Regular Session of the 123rd Legislature to review the effectiveness of state tax policies directed to stimulate research and development activity, including, but not limited to: the current state tax credit programs that provide incentives for taxpayers engaged in research and development activities; the current state income tax rates and their impact on entrepreneurship and research and development activities; and other states' tax incentives and policies that successfully support and encourage the growth of research and development entrepreneurial and business activities. The committee may ask Maine's leading businesses in the research and development community, as well as the Department of Economic and Community Development, Office of Innovation and the Maine Science and Technology Advisory Council, for their recommendations as to how the State can amend its tax policies to stimulate the business climate and foster research and development and commercialization activities in Maine. The committee shall develop recommendations for changes to the tax code that will strengthen research and development and Maine's innovation economy and enhance the State's advancement in this area; and

Bill "An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric Power Bills"

S.P. 136 L.D. 435

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative BLISS of South Portland and Senator: BARTLETT of Cumberland, Representatives: ADAMS of Portland, PIEH of Bremen.

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

Sent down for concurrence.

2. Report. No later than April 1, 2007, the Joint Standing Committee on Taxation shall submit legislation related to its review to the First Regular Session of the 123rd Legislature.

READ and **PASSED**.

Sent down for concurrence.

**Pursuant to Statutes
Community Preservation Advisory Committee**

Senator DOW for the **Community Preservation Advisory Committee**, pursuant to the Maine Revised Statutes, Title 30-A, section 4350, subsection 10 asked leave to report that the accompanying Bill "An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund"

S.P. 146 L.D. 445

Be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Off Record Remarks

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

Senate at Ease.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative PINGREE of North Haven informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend and make such communication as pleases the Chief Justice.

Joint Resolution

On motion by Senator **MITCHELL** of Kennebec, under unanimous consent on behalf of President **EDMONDS** of Cumberland, (Cosponsored by Senators: **BARTLETT** of Cumberland, **BENOIT** of Sagadahoc, **BOWMAN** of York, **BRANNIGAN** of Cumberland, **BROMLEY** of Cumberland, **BRYANT** of Oxford, **COURTNEY** of York, **DAMON** of Hancock, **DIAMOND** of Cumberland, **DOW** of Lincoln, **GOOLEY** of Franklin, **HASTINGS** of Oxford, **HOBBINS** of York, **MARRACHÉ** of Kennebec, **MARTIN** of Aroostook, **McCORMICK** of Kennebec, **MILLS** of Somerset, **MITCHELL** of Kennebec, **NASS** of York, **NUTTING** of Androscoggin, **PERRY** of Penobscot, **PLOWMAN** of Penobscot, **RAYE** of Washington, **ROSEN** of Hancock, **ROTUNDO** of Androscoggin, **SAVAGE** of Knox, **SCHNEIDER** of Penobscot, **SHERMAN** of Aroostook, **SMITH** of Piscataquis, **SNOWE-MELLO** of Androscoggin, **STRIMLING** of Cumberland, **SULLIVAN** of York, **TURNER** of Cumberland, **WESTON** of Waldo, Representatives: **ADAMS** of Portland, **ANNIS** of Dover-Foxcroft, **AUSTIN** of Gray, **AYOTTE** of Caswell, **BABBIDGE** of Kennebunk, **BARSTOW** of Gorham, **BEAUDETTE** of Biddeford, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BERRY** of Bowdoinham, **BERUBE** of Lisbon, **BLANCHARD** of Old Town, **BLANCHETTE** of Bangor, **BLISS** of South Portland, **BOLAND** of Sanford, **BRAUTIGAM** of Falmouth, **BROWNE** of Vassalboro, **BRYANT** of Windham, **BURNS** of Berwick, **CAIN** of Orono, **CAMPBELL** of Newfield, **CANAVAN** of Waterville, **CARTER** of Bethel, **CASAVANT** of Biddeford, **CEBRA** of Naples, **CHASE** of Wells, **CLARK** of Millinocket, **CLEARY** of Houlton, **CONNOR** of Kennebunk, **CONOVER** of Oakland, **COTTA** of China, **CRAVEN** of Lewiston, **CRAY** of Palmyra, **CRESSEY** of Cornish, **CROCKETT** of Augusta, **CROSTHWAITE** of Ellsworth, **Speaker CUMMINGS** of Portland, **CURTIS** of Madison, **DILL** of Cape Elizabeth, **DRISCOLL** of Westbrook, **DUCHESNE** of Hudson, **DUNN** of Bangor, **DUPREY** of Hampden, **EATON** of Sullivan, **EBERLE** of South Portland, **EDGEComb** of Caribou, **EMERY** of Cutler, **FAIRCLOTH** of Bangor, **FARRINGTON** of Gorham, **FINCH** of Fairfield, **FINLEY** of Skowhegan, **FISCHER** of Presque Isle, **FISHER** of Brewer, **FITTS** of Pittsfield, **FLETCHER** of Winslow, **FLOOD** of Winthrop, **GERZOFISKY** of Brunswick, **GIFFORD** of Lincoln, **GILES** of Belfast, **GOULD** of South Berwick, **GREELEY** of Levant, **GROSE** of Woolwich, **HAMPER** of Oxford, **HANLEY** of Gardiner, **HARLOW** of Portland, **HASKELL** of Portland, **HAYES** of Buckfield, **HILL** of York, **HINCK** of Portland, **HOGAN** of Old Orchard Beach, **HOLMAN** of Fayette, **HOTHAM** of Dixfield, **JACKSON** of Allagash, **JACOBSEN** of Waterboro, **JOY** of Crystal, **KAENRATH** of South Portland, **KNIGHT** of Livermore Falls, **KOFFMAN** of Bar Harbor, **LANSLEY** of Sabattus, **LEWIN** of Eliot, **LORING** of the Penobscot Nation, **LUNDEEN** of Mars Hill, **MacDONALD** of Boothbay, **MAKAS** of Lewiston, **MAREAN** of Hollis, **MARLEY** of Portland, **MAZUREK** of Rockland, **McDONOUGH** of Scarborough, **McFADDEN** of Dennysville, **McKANE** of Newcastle, **McLEOD** of Lee, **MILLER** of Somerville, **MILLETT** of Waterford, **MILLS** of Farmington, **MIRAMANT** of Camden, **MOORE** of Standish, **MUSE** of Fryeburg, **NASS** of Acton, **NORTON** of Bangor, **PATRICK** of Rumford, **PENDLETON** of Scarborough, **PEOPLES** of Westbrook, **PERCY** of Phippsburg, **PERRY** of Calais, **PIEH** of Bremen, **PILON** of Saco, **PINEAU** of Jay, **PINGREE** of North Haven, **PINKHAM** of Lexington Township, **PIOTTI** of Unity, **PLUMMER** of Windham, **PRATT** of

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Charles Pullen, of Oakland, on his retirement from the Oakland Fire Department after 45 years of service, the last 25 years as Chief. Chief Pullen comes from a family that has served at the Oakland Fire Department for seven generations: Grandville D. Pullen helped found the department in 1880; Charles's father, Ed Pullen, was also the Fire Chief for 25 years; and Charles's son, Chuck Pullen, is currently a member of the department. Chief Pullen contributed to many changes at the Oakland Fire Department over the years, including the automatic mutual aid program that he helped put into place, which enables fire departments in the surrounding areas to come to one another's assistance. He also oversaw the creation of Oakland's second fire station, which was built on Oak Street in 1995. We congratulate Chief Pullen on his retirement and his immeasurable contributions to the community over the years and send him our best wishes for a prosperous future;

SLS 29

Sponsored by Senator **MITCHELL** of Kennebec.
Cosponsored by Representatives: **CANAVAN** of Waterville, **CONOVER** of Oakland.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Senator **MITCHELL** of Kennebec.

Senator **MITCHELL:** Thank you, Madame President. We are so honored today to have the Chief with us. I think everyone in this room has served with distinguished Fire Chiefs in their local districts and we know the countless hours and the unsung heroism. He's here today with his entire family and we're so pleased to congratulate him on his retirement.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Charles Poulin of Oakland and his family. Would they please rise and receive the greetings of the Maine Senate.

Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Greenville, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMSON of Auburn, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TIBBETTS of Columbia, TREAT of Farmingdale, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WAGNER of Lewiston, WALCOTT of Lewiston, WALKER of Lincolnville, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth), the following Joint Resolution:

S.P. 128

JOINT RESOLUTION RECOGNIZING THE 80TH ANNIVERSARY OF WOMEN MEMBERS SERVING IN BOTH CHAMBERS OF THE LEGISLATURE

WHEREAS, January 2007 is the 80th anniversary of a pivotal point in Maine history, when six women first came to serve in the full Maine State Legislature, seven years after the ratification of the 19th Amendment to the United States Constitution, which granted women the right to vote; and

WHEREAS, in January of 1927, at the opening of the 83rd Legislature, two women, Dora Pinkham and Katherine Allen, who had both previously served a single term at different times in the Maine House of Representatives, began their terms as Senators in the Maine State Senate; and

WHEREAS, also for the first time, there were four other women beginning their terms in the Maine House of Representatives in 1927: Mabelle Chaney, Maude Clark Gay, Blanche Folsom and Gail Laughlin; and

WHEREAS, the swearing-in of these six women marked the first time women were serving in both chambers of the Maine State Legislature; and

WHEREAS, Mabelle Chaney was the first woman Democrat in the Legislature and Gail Laughlin was the first woman lawyer, and all six of these women represented a diversity of geographic locations, occupations and ages; and

WHEREAS, these six women broke barriers and established credibility and respect among their male colleagues, and they served as role models for other women to aspire to political positions; and

WHEREAS, these six women began a long and honorable history of political participation, accomplishment and leadership in the Maine State Legislature that is carried forth to this day, where Maine women continue to play important roles in our State; and

WHEREAS, on the 80th anniversary of these six women first serving together, we wish to recognize and honor these pioneer women for their individual endeavors as well as for the paths they

blazed for the women who have followed them; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the One Hundred and Twenty-third Legislature, now assembled on behalf of the people we represent, take this opportunity to recognize the first six women to have served together in the Maine State Legislature as pioneers and honor them for their roles in the history of Maine: Katherine Allen, Republican from Hampden, Penobscot County, who was a farmer; Dora Pinkham, Republican from Fort Kent, Aroostook County, who was a school teacher and bookkeeper; Mabelle Chaney, Democrat from Lisbon, Androscoggin County, who was co-owner of a coal business; Maude Clark Gay, Republican from Waldoboro, Lincoln County, who was an author; Blanche Folsom, Republican from Norridgewock, Somerset County, who was a school teacher; and Gail Laughlin, Republican from Portland, Cumberland County, who was a lawyer.

READ and ADOPTED.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/25/07) Assigned matter:

Bill "An Act To Fund a Joint Appointment for a Groundfish Ecologist"

S.P. 121 L.D. 377

Tabled - January 25, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/25/07) Assigned matter:

Bill "An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program"

H.P. 287 L.D. 357

Tabled - January 25, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, January 25, 2007, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water"
H.P. 322 L.D. 406

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail"
H.P. 327 L.D. 411

Bill "An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses"
H.P. 342 L.D. 426

Bill "An Act To Authorize a General Fund Bond Issue for Recreational Facilities"
H.P. 343 L.D. 427

Bill "An Act To Authorize a General Fund Bond Issue To Support Maine's Working Waterfronts"
H.P. 349 L.D. 450

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Provide Funding to the Department of Agriculture, Food and Rural Resources for Veterinarians for Farm Animals"
H.P. 316 L.D. 400

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Stable Gasoline Pricing"
H.P. 301 L.D. 385

Bill "An Act To Conserve Energy in Maine Households"
H.P. 344 L.D. 428

Bill "An Act To Support the Creative Economy Effort"
H.P. 350 L.D. 451

Bill "An Act To Encourage the Reuse of Plastic Containers"
H.P. 351 L.D. 452

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Make the Prison Industry Program More Effective"
H.P. 324 L.D. 408

Bill "An Act To Make Maine Safer by Collecting DNA from Those Convicted of Felonies"
H.P. 334 L.D. 418

Bill "An Act To Ensure the Safety of the Public and of Victims of Sexual Assault" (EMERGENCY)
H.P. 339 L.D. 423

Bill "An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence"
H.P. 340 L.D. 424

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Limit Regional Adjustments to Teacher Salaries"
H.P. 320 L.D. 404

Bill "An Act To Repeal the Certification and Authorization Fees for School Personnel"
H.P. 326 L.D. 410

Bill "An Act To Enhance the Choices for Children and Parents from Areas without Public Secondary Schools"
H.P. 352 L.D. 453

Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"
H.P. 353 L.D. 454

Bill "An Act Authorizing the Institute for Doctoral Studies in the Visual Arts To Confer the Degree of Doctor of Visual Arts" (EMERGENCY)
H.P. 361 L.D. 462

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish Necessary MaineCare Pharmacy Incentives" (EMERGENCY)
H.P. 321 L.D. 405

Bill "An Act To Decrease Cervical Cancer in Maine Girls"
H.P. 330 L.D. 414

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Improve Deer Management and Hunting"
H.P. 337 L.D. 421

Bill "An Act To Restrict Use of Trails Designed for All-terrain Vehicles"
H.P. 354 L.D. 455

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Insurance for Churches and Nonprofit Organizations"

H.P. 304 L.D. 388

Bill "An Act To Enhance Consumer Awareness of Insurance Sales Activity"

H.P. 331 L.D. 415

Bill "An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices"

H.P. 332 L.D. 416

Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"

H.P. 335 L.D. 419

Bill "An Act To Protect Holders of Small Bank Accounts"

H.P. 355 L.D. 456

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings"

H.P. 305 L.D. 389

Bill "An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases"

H.P. 306 L.D. 390

Resolve, To Study Adoption Laws and Practices (EMERGENCY)

H.P. 307 L.D. 391

Bill "An Act To Limit Liability for the Performance of Community Service"

H.P. 313 L.D. 397

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

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish Penalties for Violation of the Severance Pay Law"

H.P. 308 L.D. 392

Bill "An Act To Clarify the Application of Prevailing Wage Requirements"

H.P. 328 L.D. 412

Bill "An Act To Require Nonprofit Employers To Disclose All Benefits Available, Including Unemployment Insurance, to Employees and Prospective Employees"

H.P. 356 L.D. 457

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Additional Funding for the Maine Clean Election Act"

H.P. 312 L.D. 396

Bill "An Act To Prevent Persons Convicted of Child Molestation from Being Buried in a Maine Veterans' Cemetery"

H.P. 357 L.D. 458

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Clarify the Application of the Real Estate Transfer Tax with Regard to Partial Sales of Corporations That Own Real Estate"

H.P. 318 L.D. 402

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

Bill "An Act To Increase the State Income Tax Exemption for Retired Employees in the Maine State Retirement System and Other Pension Systems to the Same Level as That of Retirees under the Social Security System"

H.P. 338 L.D. 422

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Further Protect Water Quality in Coastal Waters"
H.P. 300 L.D. 384

Bill "An Act To Reduce the Excise Tax on New Vehicles"
H.P. 358 L.D. 459

Bill "An Act To Encourage Municipalities To Abate Coastal Pollution"

H.P. 319 L.D. 403

Bill "An Act To Amend the Municipal Excise Tax Reimbursement Fund Law"
H.P. 359 L.D. 460

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality"

H.P. 346 L.D. 430

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Protect the Integrity of Funeral Processions"
H.P. 317 L.D. 401

Bill "An Act To Allow the Use of Flashing Red Lights by State Emergency Management Agency Directors"
H.P. 323 L.D. 407

Bill "An Act To Authorize the Issuance of a Highway Fund Bond Issue for Maine's Roads and Bridges"
H.P. 333 L.D. 417

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide a Tax Benefit to Businesses That Invest in Quality Child Care"

H.P. 310 L.D. 394

Bill "An Act To Use National Standards To Determine Maine's Relative Tax Burden for Purposes of Budget Caps"

H.P. 311 L.D. 395

PAPERS FROM THE HOUSE

House Papers

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

Resolve, Establishing a Commission To Develop Methods for the State To Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports

H.P. 309 L.D. 393

Bill "An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities"

H.P. 314 L.D. 398

Bill "An Act To Amend Maine's Electric Utility Restructuring Laws"

H.P. 329 L.D. 413

Bill "An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission"

H.P. 336 L.D. 420

Come 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

**Pursuant to Resolve
Human Trafficking Task Force**

The **Human Trafficking Task Force**, pursuant to Resolve 2005, chapter 200 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force"

H.P. 360 L.D. 461

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ORDERS OF THE DAY

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

Bill "An Act To Provide Equity in County Jail Maximum Sentences"

H.P. 263 L.D. 329

Tabled - January 30, 2007, by Senator **DIAMOND** of Cumberland

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

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.)

(In House, January 25, 2007, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

On motion by Senator **DIAMOND** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Off Record Remarks

Off Record Remarks

Senator **BROMLEY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **BARTLETT** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Thursday, February 1, 2007, at 10:00 in the morning.