

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

In Senate Chamber  
Tuesday  
February 27, 2007

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

Prayer by Reverend Bruce Forbes of South Parish Congregational Church in Augusta.

**REVEREND FORBES:** Shall we bow our heads in prayer. Dear God, we thank You for the day You have given us, a day to make a difference within our homes, in our communities, and in our state. We ask Your blessing today upon all within this Chamber. We ask that You bless us with the spirit of accord and common purpose and unity. Please bless our nation, our work, and especially the State of Maine. Amen.

Pledge of Allegiance led by Senator Carol Weston of Waldo County.

Reading of the Journal of Thursday, February 15, 2007.

Doctor of the day, Janis Petzel, MD of Hallowell.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans"

H.P. 427 L.D. 549

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

In House, February 6, 2007, **REFERRED** to the Committee on **LABOR**.

In Senate, February 13, 2007, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

**COMMUNICATIONS**

The Following Communication: S.P. 260

**MAINE SENATE  
123<sup>RD</sup> LEGISLATURE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

February 15, 2007

Hon. Beth Edmonds  
President of the Senate  
123rd Legislature

Hon. Glenn Cummings  
Speaker of the House  
123rd Legislature

Dear Madam President and Mr. Speaker:

On February 15, 2007, 7 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on February 15, 2007, as follows:

**Appropriations and Financial Affairs**

Bill "An Act To Authorize a General Fund Bond Issue for Infrastructure Improvements for Canton Village and To Provide Funding for the Career Center in Rumford" (S.P. 250) (L.D. 801) (Sponsored by Senator BRYANT of Oxford) (Cosponsored by Representative BRYANT of Windham and Representative: PATRICK of Rumford)

Bill "An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency" (S.P. 253) (L.D. 804) (Sponsored by President EDMONDS of Cumberland) (Cosponsored by Representative WOODBURY of Yarmouth and Senators: DAMON of Hancock, PERRY of Penobscot, Representative: Speaker CUMMINGS of Portland)

**Business, Research and Economic Development**

Bill "An Act To Stimulate the Economy in the St. John Valley" (S.P. 252) (L.D. 803) (Sponsored by Senator MARTIN of Aroostook) (Cosponsored by Representative THERIAULT of Madawaska and Representatives: JACKSON of Allagash, SUTHERLAND of Chapman, FISCHER of Presque Isle, LUNDEEN of Mars Hill)

**Criminal Justice and Public Safety**

Bill "An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison" (S.P. 258) (L.D. 815) (Sponsored by Senator NASS of York) (Cosponsored by Representatives: VAUGHAN of Durham, CRESSEY of Cornish and Senator: PLOWMAN of Penobscot, Representative: MUSE of Fryeburg)

**Labor**

Bill "An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State, County and Municipal Employees" (S.P. 257) (L.D. 814) (Sponsored by Senator STRIMLING of Cumberland)

**Taxation**

Bill "An Act To Ensure the Income Tax for Pensions Is Applied Fairly by Eliminating Reductions of Social Security and Railroad Benefits" (S.P. 251) (L.D. 802) (Sponsored by Senator STRIMLING of Cumberland)

Bill "An Act To Improve the Historic Preservation Tax Credit" (S.P. 259) (L.D. 816) (Sponsored by Senator MARRACHÉ of Kennebec) (Cosponsored by Representative TRINWARD of Waterville and Senators: MITCHELL of Kennebec, President EDMONDS of Cumberland, Representatives: FLETCHER of Winslow, CANAVAN of Waterville, FINCH of Fairfield, CONOVER of Oakland)

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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The Following Communication: S.P. 276

**STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
AUGUSTA, MAINE 04333-0003**

February 23, 2007

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Carol Eckert of Windsor and John Jemison of Orono for reappointment to the Board of Pesticides Control.

Pursuant to M.R.S.A. Title 22 §1471-B, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 AGRICULTURE,  
CONSERVATION AND FORESTRY.**

Sent down for concurrence.

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The Following Communication: S.P. 277

**STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
AUGUSTA, MAINE 04333-0003**

February 23, 2007

Sen. Nancy B. Sullivan  
Senate Chair, Joint Standing Committee on Insurance and  
Financial Services  
Rep. John R. Brautigam  
House Chair, Joint Standing Committee on Insurance and  
Financial Services  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Sullivan and Representative Brautigam:

Please be advised that Governor John E. Baldacci has nominated Edward David of Bangor and Dana Connors of East Winthrop for appointment to the Dirigo Health Board of Directors.

Pursuant to M.R.S.A. Title 24-A §6904, these nominations will require review by the Joint Standing Committee on Insurance and Financial Services 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 INSURANCE AND  
FINANCIAL SERVICES.**

Sent down for concurrence.

The Following Communication: S.P. 278

**STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
AUGUSTA, MAINE 04333-0003**

February 23, 2007

Sen. John L. Martin  
Senate Chair, Joint Standing Committee on Natural Resources  
Rep. Theodore S. Koffman  
House Chair, Joint Standing Committee on Natural Resources  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated Aram Calhoun of Milford for appointment to the Maine Outdoor Heritage Fund.

Pursuant to M.R.S.A. Title 12 § 10308, this nomination will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES.**

Sent down for concurrence.

The Following Communication: S.P. 279

**STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
AUGUSTA, MAINE 04333-0003**

February 22, 2007

Sen. Bruce S. Bryant  
Senate Chair, Joint Standing Committee on Inland Fisheries and Wildlife  
Rep. Troy Dale Jackson  
House Chair, Joint Standing Committee on Inland Fisheries and Wildlife  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bryant and Representative Jackson:

Please be advised that Governor John E. Baldacci has nominated Albion Goodwin of Pembroke and Frank Dunbar of Bucksport for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to M.R.S.A. Title 12 §10151, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife 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 **INLAND FISHERIES AND WILDLIFE.**

Sent down for concurrence.

The Following Communication: S.P. 280

**STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
AUGUSTA, MAINE 04333-0003**

February 26, 2007

Sen. Peter B. Bowman  
Senate Chair, Joint Standing Committee on Education and Cultural Affairs  
Rep. Jacqueline R. Norton  
House Chair, Joint Standing Committee on Education and Cultural Affairs  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated William Johnson of Saco for reappointment and Wayne Newell of Princeton for appointment to the University of Maine System Board of Trustees.

Pursuant to Title P&SL 1865, c. 532, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

If you have any questions regarding these appointments please do not hesitate to contact my office.

The Following Communication: S.C. 75

Sincerely,

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

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

February 6, 2007

The Following Communication: S.C. 77

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

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

Dear Secretary O'Brien:

February 15, 2007

Pursuant to my authority under Title 5, MRSA, Chapter 501, Section 19202, I am pleased to appoint Senator Philip L. Bartlett II of Cumberland to the Maine HIV Advisory Committee, representing a member of the Senate.

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Please contact my office if you have any questions regarding this appointment.

Dear President Edmonds and Speaker Cummings:

Sincerely,

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

L.D. 91 An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission

The Following Communication: S.C. 76

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

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

Sincerely,

February 9, 2007

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

S/Sen. Bill Diamond  
Senate Chair

S/Rep. Stanley J. Gerzofsky  
House Chair

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

Dear Secretary O'Brien:

The Following Communication: S.C. 78

Pursuant to my authority under Title 5, MRSA, Chapter 319, Section 3371, I am pleased to appoint the following Senators to the Maine Fire Protection Services Commission:

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

Senator Ethan Strimling of Cumberland, replacing Senator Bruce Bryant of Oxford

February 15, 2007

Senator Richard Nass of York, reappointment

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 273 An Act To Help Save the Homes of Some Persons Who Enter Nursing Facilities

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

Sincerely,

S/Sen. Joseph C. Brannigan  
Senate Chair

S/Rep. Anne C. Perry  
House Chair

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

The Following Communication: S.C. 79

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

February 15, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 126 Resolve, To Increase Public Access to Glazier Lake

L.D. 162 An Act To Require the Department of Inland Fisheries and Wildlife To Track All Stocking and Transfers of Fish

L.D. 166 An Act To Require the Standardization of Fishing Rules

L.D. 197 An Act To Prevent the Domestication of Wild Turkey and Deer

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

Sincerely,

S/Sen. Bruce Bryant  
Senate Chair

S/Rep. Troy D. Jackson  
House Chair

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

The Following Communication: S.C. 80

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

February 15, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 237 An Act To Amend the Maine Tree Growth Tax Law

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

Sincerely,

S/Sen. Joseph C. Perry  
Senate Chair

S/Rep. John F. Piotti  
House Chair

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

The Following Communication: S.C. 81

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

February 15, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 7      Resolve, To Require the Department of Transportation To Accept a Traffic Light in Portland
- L.D. 17     Resolve, To Transfer the Cliff Island Wharf from the City of Portland to the Department of Transportation
- L.D. 133    An Act To Require Seat Belts on All School Buses

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

Sincerely,

S/Sen. Dennis S. Damon  
Senate Chair

S/Rep. Boyd P. Marley  
House Chair

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

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The Following Communication:      S.C. 82

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

February 20, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 159     RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dedicate a Portion of Vehicle Registration Fees To Fund Veterans' Cemeteries
- L.D. 180     An Act To Provide for a Change in Gender Designation on a Driver's License BY REQUEST

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

Sincerely,

S/Sen. Dennis S. Damon  
Senate Chair

S/Rep. Boyd P. Marley  
House Chair

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

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The Following Communication:      S.C. 83

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

February 20, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 33      An Act To Simplify Wireless Telecommunications
- L.D. 290     An Act To Encourage the Use of Solar Energy
- L.D. 352     An Act To Provide an Appeal Process Regarding Rate Increases of Certain Quasi-municipal Districts and Corporations

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

Sincerely,

S/Sen. Philip L. Bartlett II  
Senate Chair

S/Rep. Lawrence Bliss  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Raise Benefits for Farmers under the Milk Subsidy Program and To Prevent Price Gouging in the Sale of Milk"  
S.P. 262 L.D. 852

Sponsored by Senator MILLS of Somerset.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Authorize a General Fund Bond Issue for the University of Maine for Research and Development"  
S.P. 268 L.D. 858

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative CAIN of Orono and Senators: DOW of Lincoln, SCHNEIDER of Penobscot, STRIMLING of Cumberland, Representatives: FISCHER of Presque Isle, GILES of Belfast, RECTOR of Thomaston, STRANG BURGESS of Cumberland.

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

Sent down for concurrence.

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Bill "An Act To Facilitate the Upgrading and Preservation of Existing Building Structures"  
S.P. 261 L.D. 851

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Require the Maine State Housing Authority To Perform a Comprehensive Resource and Needs Assessment for Housing for Special Needs Populations That Are Not Homeless"  
S.P. 265 L.D. 855

Sponsored by Senator STRIMLING of Cumberland.  
Cosponsored by Representative SMITH of Monmouth and Senators: COURTNEY of York, DOW of Lincoln, MARRACHÉ of Kennebec, RAYE of Washington, Representatives: BEAUDETTE of Biddeford, 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.

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Bill "An Act To Reduce Drunk Driving"  
S.P. 266 L.D. 856

Sponsored by Senator BROMLEY of Cumberland.  
Cosponsored by Representative GERZOFKY of Brunswick, Senator PERRY of Penobscot, Representatives: BERRY of Bowdoinham, FAIRCLOTH of Bangor, and Senators: BARTLETT of Cumberland, NUTTING of Androscoggin, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, SULLIVAN of York, TURNER of Cumberland, Representatives: ADAMS of Portland, BERUBE of Lisbon, CRAVEN of Lewiston, CROCKETT of Augusta, DUCHESNE of Hudson, GROSE of Woolwich, HAMPER of Oxford, HOTHAM of Dixfield, JACKSON of Allagash, KNIGHT of Livermore Falls, PERRY of Calais, RAND of Portland, SAVAGE of Falmouth, SIMPSON of Auburn, SIROIS of Turner, TUTTLE of Sanford, WALCOTT of Lewiston, WEBSTER of Freeport, WEDDELL of Frankfort.

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

Sent down for concurrence.

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Bill "An Act To Encourage Efficiency in School Administration"  
S.P. 263 L.D. 853

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

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Bill "An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores"

S.P. 269 L.D. 859

Sponsored by Senator TURNER of Cumberland.

Bill "An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses"

S.P. 273 L.D. 880

Sponsored by Senator SNOWE-MELLO of Androscoggin. Cosponsored by Senator: DOW of Lincoln, Representative: CEBRA of Naples.

Bill "An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications"

S.P. 281 L.D. 883

Sponsored by Senator ROSEN of Hancock. Cosponsored by Representative CAMPBELL of Newfield and Representatives: LEWIN of Eliot, PERRY of Calais, WALKER of Lincolnville, WEBSTER of Freeport.

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

Sent down for concurrence.

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Resolve, To Create A Medical Malpractice Study Group

S.P. 267 L.D. 857

Sponsored by Senator MARRACHÉ of Kennebec. Cosponsored by Representative MCKANE of Newcastle and Senators: SNOWE-MELLO of Androscoggin, TURNER of Cumberland, Representative: CAMPBELL of Newfield.

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

Sent down for concurrence.

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Bill "An Act To Extend Term Limits for the House of Representatives"

S.P. 264 L.D. 854

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

S.P. 275 L.D. 882

Sponsored by Senator SNOWE-MELLO of Androscoggin. Cosponsored by Senator: SMITH of Piscataquis, Representative: SAVAGE of Falmouth.

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

Sent down for concurrence.

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Bill "An Act To Authorize a Local Option Homestead Exemption"

S.P. 272 L.D. 879

Sponsored by Senator ROTUNDO of Androscoggin. (BY REQUEST)

Bill "An Act To Create a Tax Break for Families That Make Less Than \$25,000 Annually"

S.P. 274 L.D. 881

Sponsored by Senator SNOWE-MELLO of Androscoggin. Cosponsored by Senators: DOW of Lincoln, NASS of York, PLOWMAN of Penobscot.

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

Sent down for concurrence.

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Bill "An Act To Amend Certain Laws Affecting Transportation"

S.P. 270 L.D. 860

Sponsored by Senator DAMON of Hancock. Cosponsored by Representative MARLEY of Portland. Submitted by the Department of Transportation pursuant to Joint Rule 204.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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## ORDERS

### Joint Order

On motion by Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 271



ORDERED, the House concurring, that the Joint Standing Committee on Business, Research and Economic Development may submit, to the Senate, a bill to implement the report of the Office of Program Evaluation and Government Accountability on economic development programs in the State.

**READ and PASSED.**

Sent down for concurrence.

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**REPORTS OF COMMITTEES**

**Senate**

**Change of Committee**

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Require the Collection of Information on Vehicle Accidents on Private Property"

S.P. 30 L.D. 86

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

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

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

Sent down for concurrence.

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**Ought to Pass**

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Requirements for Temporary Licensure of Psychologists"

S.P. 59 L.D. 177

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

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

**READ ONCE.**

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

---

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Clarify the Use and Purpose of Center Turn Lanes"

S.P. 17 L.D. 23

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

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

**READ ONCE.**

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

---

Senator DAMON for the Committee on **TRANSPORTATION** on Resolve, To Direct the Department of Transportation to Establish the Elton R. Brooks Memorial Rest Area and Boat Launching Facility

S.P. 70 L.D. 232

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

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

**READ ONCE.**

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

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**Ought to Pass As Amended**

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Process for Public Improvement Construction Contracts"

S.P. 49 L.D. 141

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-7)**.

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

**READ ONCE.**

Committee Amendment "A" (S-7) **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:

**Senate**

Bill "An Act To List the Shortnose Sturgeon as a Marine Endangered Species"

S.P. 48 L.D. 140

Bill "An Act To Modify the Laws Regarding Garnishment of Wages"

S.P. 69 L.D. 231

Senate called to order by the President.

**READ A SECOND TIME and PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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

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

**COMMUNICATIONS**

The Following Communication: H.P. 664

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
AUGUSTA, MAINE 04333**

Off Record Remarks

February 6, 2007

**ORDERS OF THE DAY**

Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

**Unfinished Business**

Dear Clerk MacFarland:

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.

Enclosed please find my official certification to the 123rd Legislature of the citizen initiative petition entitled "An Act to Authorize a Tribal Commercial Track and Slot Machines in Washington County."

The Chair laid before the Senate the following Tabled and Later (2/15/07) Assigned matter:

Sincerely,

Bill "An Act To Protect Minors from Certain Bill Collectors"  
H.P. 96 L.D. 104

S/Matthew Dunlap  
Secretary of State

Tabled - February 15, 2007, by Senator **MARTIN** of Aroostook

Pending - **FURTHER CONSIDERATION**

State of Maine  
Department of State

(In House, January 9, 2007, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

(In Senate, February 8, 2007, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.)

(In House, February 13, 2007, **INSISTED**.)

On motion by Senator **HOBBS** of York, the Senate **RECEDED** and **CONCURRED**.

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing signatures of 51,096 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State as of August 15, 2006, requesting that the Legislature consider an act entitled, "An Act to Authorize a Tribal Commercial Track and Slot Machines in Washington County." These included petitions which were already on file as of January 31, 2006, plus new petitions submitted on July 10, 2006, August 3, 2006, and August 15, 2006.

Senate at Ease.

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 50,519.

Senate called to order by the President.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:30 in the morning.

After Recess

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the first day of February in the year two thousand and seven.

S/Matthew Dunlap  
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

I.B. 1 L.D. 805

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

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

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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 a Commercial Applicator's License To Use Pesticides in Food-handling Establishments"

H.P. 650 L.D. 861

Resolve, To Study Maine's Agricultural Creative Economy Sector

H.P. 666 L.D. 876

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

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

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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 Health Care for Maine Children through the Expansion of School-based Health Care Centers"

H.P. 651 L.D. 862

Bill "An Act To Authorize a General Fund Bond Issue for Acquiring Land and Water Access through the Land for Maine's Future Program"

H.P. 652 L.D. 863

Bill "An Act To Provide Funding for the Low-income Home Energy Assistance Program" (EMERGENCY)

H.P. 663 L.D. 874

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.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Regarding Ticket Refunds"

H.P. 630 L.D. 831

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, Directing the Department of Public Safety To Convene a Working Group To Review the Functioning of College and University Law Enforcement Departments

H.P. 631 L.D. 832

Bill "An Act To Protect Local Police Departments"

H.P. 653 L.D. 864

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**

Resolve, To Create a Study Commission To Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State

H.P. 633 L.D. 834

Bill "An Act To Encourage School Administrative Units To Collaborate with Other School Administrative Units"

H.P. 634 L.D. 835

Bill "An Act To Enhance Special Education"

H.P. 635 L.D. 836

Bill "An Act To Provide Funding to Postsecondary Marine Training Programs"

H.P. 669 L.D. 884

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 Paper**

Bill "An Act Protecting the Confidentiality of Prescription Information"

H.P. 637 L.D. 838

Comes 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 Paper**

Bill "An Act To Reduce the Cost of Hunting and Fishing Licenses for Certain Veterans and Members of the Military Service"  
H.P. 654 L.D. 865

Comes 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 To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers"

H.P. 639 L.D. 840

Bill "An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age"

H.P. 640 L.D. 841

Bill "An Act To Require Insurance Coverage for Infertility Treatments"

H.P. 641 L.D. 842

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 Provide Immunity from Tort Claims against the State of New Hampshire Department of Transportation when Performing Maintenance Operations within the State of Maine"  
H.P. 642 L.D. 843

Bill "An Act To Amend the Wrongful Death Laws"  
H.P. 655 L.D. 866

Bill "An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators"  
H.P. 656 L.D. 867

Bill "An Act To Amend the Civil Foreclosure Laws"  
H.P. 657 L.D. 868

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information"

H.P. 643 L.D. 844

Bill "An Act To Tie the Percentage of Health Insurance Benefits for Retired Teachers to That of Retired Legislators"

H.P. 644 L.D. 845

Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin

H.P. 658 L.D. 869

Bill "An Act To Enhance Education Services for Blind and Visually Impaired Children"

H.P. 659 L.D. 870

Bill "An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated Members"

H.P. 660 L.D. 871

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.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Increase the Distance from a School within Which an Agency Liquor Store May Not Be Located"

H.P. 645 L.D. 846

Comes 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.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Support the Commercial Groundfish Industry" (EMERGENCY)

H.P. 646 L.D. 847

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Encourage Greater Public Input into the State Environmental Licensing Process"

H.P. 647 L.D. 848

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Amend the Laws Governing Eligibility for the Maine Residents Property Tax Program"

H.P. 648 L.D. 849

Bill "An Act To Reduce Taxes"

H.P. 649 L.D. 850

Bill "An Act To Exempt Military Pensions and Survivors' Benefit Payments from State Income Tax"

H.P. 661 L.D. 872

Bill "An Act Regarding the Homestead Exemption as It Applies to Certain Housing Cooperatives"

H.P. 667 L.D. 877

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

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:

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Require Economic Analysis and Public Comment for Road Construction Projects"

H.P. 662 L.D. 873

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Amend the Charter of the Harrison Water District" (EMERGENCY)

H.P. 668 L.D. 878

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**

**Pursuant to Public Law  
Joint Standing Committee on  
Agriculture, Conservation and Forestry**

The **Joint Standing Committee on Agriculture, Conservation and Forestry**, pursuant to Public Law 2005, chapter 553, section 4 asked leave to report that the accompanying Bill "An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides" (EMERGENCY)

H.P. 665 L.D. 875

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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 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

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.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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

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

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Senator **PERRY** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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

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Off Record Remarks

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