

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

In Senate Chamber
Thursday
March 1, 2007

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

Prayer by Reverend Keith Cushman of Maranatha Riverside Church in Lincoln.

REVEREND CUSHMAN: Let us bow together in prayer. Heavenly Father, as the honorable ladies and gentlemen of the Senate begin this day's session, I thank You for the gifts of health and intelligence, and for the wisdom and experience that enables them to wrestle with the challenges facing our great State of Maine.

As a minister, husband, and father, I have discovered from experience that in leadership there are occasions when human wisdom seems to fall short of meeting the need. It is then that the promise and admonition of the Scriptures is most helpful where it states, 'If any of you lacks wisdom, let him ask of God, who gives to all liberally and without reproach, and it will be given to him.'

May You graciously guide and direct them in their deliberations this day and may You bless them for their service to the people of this state. In Your name I pray. Amen.

Reading of the Journal of Tuesday, February 27, 2007.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 282

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 6, 2007, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Support the Maine Patent Program"
H.P. 632 L.D. 833

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Passamaquoddy Tribal Governor Richard Doyle, of Pleasant Point, on his recent inauguration. Having served previously, Governor Doyle is an experienced and thoughtful leader and, together with Lieutenant Governor Thomas Lewey and the Pleasant Point Tribal Council, is working hard to advance economic opportunities for the Passamaquoddy people and their neighbors in Washington County. The position of governor, also known as chief or sakom, is a time-honored Passamaquoddy tradition, and Governor Doyle is an able steward of that tradition. We congratulate Governor Doyle and wish him well in his important leadership role in the Passamaquoddy Tribe;

SLS 61

Sponsored by Senator RAYE of Washington.
Cosponsored by Senator: PLOWMAN of Penobscot,
Representatives: EMERY of Cutler, McFADDEN of Dennysville,
McLEOD of Lee, PERRY of Calais, SOCTOMAH of the
Passamaquoddy Tribe, TIBBETTS of Columbia.

Passamaquoddy Tribal Governor William Nicholas, of Indian Township, on his recent inauguration. Governor Nicholas is an energetic and articulate leader and, together with Lieutenant Governor Joseph Socobasin and the Indian Township Tribal Council, is working hard to advance economic opportunities for the Passamaquoddy people and their neighbors in Washington County. The position of governor, also known as chief or sakom, is a time-honored Passamaquoddy tradition, and Governor Nicholas is an able steward of that tradition. We congratulate Governor Nicholas and wish him well in his important new leadership role in the Passamaquoddy Tribe;

SLS 62

Sponsored by Senator RAYE of Washington.
Cosponsored by Senator: PLOWMAN of Penobscot,
Representatives: EMERY of Cutler, McFADDEN of Dennysville,
McLEOD of Lee, PERRY of Calais, SOCTOMAH of the
Passamaquoddy Tribe, TIBBETTS of Columbia.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE**: Thank you, Madame President and men and women of the Senate. It is my pleasure to rise this morning for the purpose of recognizing Governors Doyle and Nicholas of the Passamaquoddy tribe. I had the good fortune to grow up in the small town of Perry, which is home to the Passamaquoddy tribe's Pleasant Point reservation and to enjoy many lifelong friendships and the benefit of being exposed to the rich and beautiful culture of the Passamaquoddy people. Each Senator has on his or her desk today a basket or a key chain handcrafted by Passamaquoddy elders. I think that we can all agree that they are a beautiful product. The Passamaquoddy people are known worldwide for the extraordinary baskets that they make. I well remember when I was Chief of Staff to Senator Snowe what a proud moment it was for me when the Senator was visited by the actress Jane Alexander, who was chairing the National Endowment for the Arts at that point. When she came to meet with Senator Snowe the Senator was on the floor, so I escorted her into the office to let her be comfortable until the Senator came back. As we walked into the office Jane Alexander looked at a basket Senator Snowe had on top of the credenza behind her desk. She said, 'Oh my goodness, a Passamaquoddy basket.' I can tell you, as a little boy from Perry, Maine, home to the Passamaquoddy tribes, I was thrilled that the Passamaquoddy culture was so recognized at the highest levels of arts and culture in this country. It is with extraordinary pleasure for me to welcome here to the Senate Chamber today my friends, partners for all of us in Washington County and in the State of Maine, and real drivers of economic development in a part of the state that so desperately needs it, the Passamaquoddy represented here today by their excellent and talented Governors, Governor Rick Doyle and Governor Bill Nicholas. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Tribal Governor Richard Doyle of Pleasant Point, Lieutenant Governor Lewey of the Pleasant Point Tribal Council, Governor William Nicholas of Indian Township, and Lieutenant Governor Joseph Socobasin of the Indian Township Tribal Council. Would they please rise and receive the greetings of the Maine Senate.

Off Record Remarks

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Fred Rines, of Gardiner. Mr. Rines served his country as a senior mail specialist in the U.S. Navy. He was a licensed accountant and a director of Gardiner Savings Institution for 14 years. Mr. Rines was a member of the Gardiner City Council for 2 terms, the Gardiner School Board for one term and the School

Administrative District 11 Board for 2 terms. He acted as chaplain of the Gardiner Lions Club and was also a member of numerous Masonic organizations. Mr. Rines was employed by the U.S. Postal Service for 40 years, serving as Gardiner's postmaster for 17 years. Not surprisingly, he was an avid stamp collector and was an officer of the Maine Philatelic Society. Mr. Rines will be greatly missed by his family and by the community that he faithfully served;

HLS 115

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO**: Thank you, Madame President and members of the Senate. I am delighted that I am able to stand here as a State Senator to speak about Fred Rines on behalf of all of our families; the Rines, the Snowes, and the Traftons. Fred was my father, Ken Snowe's, very best friend. Fred Rines, or alias Uncle Fred, had a wonderful way about him. He not only was politically astute, but he was a person who cared deeply about his church, about his community, and our state. He gave with an open heart in whatever he was involved in. When I first decided to run for State Representative many years ago both my Uncle Fred and Aunt Katherine gave me their full support. Now mind you, Uncle Fred was a Republican and Aunt Kay was a devote Democrat, so I was very pleased.

Growing up I would come to Maine on vacations and stay at our family camp in Gardiner or at Uncle Fred's summer camp on Tacoma Lake. Uncle Fred would allow me to use his boats, from the small aluminum motorboat to the big fast speed boat. He truly placed his trust in us, as kids, and he taught all of us how to be responsible. I remember visiting Uncle Fred and Aunt Katherine either at their summer ocean home or at his house in Gardiner. This is what was really cute, Uncle Fred would pull me aside wherever we were at these places. He loved to talk politics and, with a twinkle in his eye and his pipe, he wanted to talk politics with his niece who shared the same political views as he did. Also what was unique about my uncle, and he had a really great sense of humor, was that he always had Labs. They were usually Black Labs, except for when he passed away he had finally had his first Yellow Lab. He called every single one of these Labs 'Governor'. Thank you.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 84

**STATE OF MAINE
EXECUTIVE DEPARTMENT
MAINE STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, ME 04333**

February 21, 2007

President Beth Edmonds, Chair
Speaker Glenn Cummings, Vice Chair
Members, Legislative Council of the 123rd Legislature
Maine Legislature
115 State House Station
Augusta, Maine 04333-0115

Dear President Edmonds and Speaker Cummings,

The State Planning Office is pleased to provide copies of its report, titled 2007 Report on Poverty, in response to Resolve 1997, Chapter 36 to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty.

We are most willing to present the report to you and happy to answer any questions that you may have.

Sincerely,

S/Martha E. Freeman
Director

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

The Following Communication: S.C. 85

**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
104 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0104**

February 27, 2007

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

Dear Senator Edmonds:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for funding of the FY 07 Byrne Justice Assistance Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Janet Richards for
Colonel Craig Poulin
Acting Commissioner

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for the Cleanup of Hazardous Waste Sites" (EMERGENCY)
S.P. 284 L.D. 896

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative SILSBY of Augusta and Representative: CROCKETT of Augusta.

Bill "An Act To Authorize a General Fund Bond Issue for Educational Facilities and Research and Development Facilities for the University of New England"
S.P. 293 L.D. 942

Sponsored by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative PINGREE of North Haven and Senators: HOBBS of York, MILLS of Somerset, MITCHELL of Kennebec, TURNER of Cumberland, Representatives: Speaker CUMMINGS of Portland, GROSE of Woolwich, MUSE of Fryeburg, ROBINSON of Raymond.

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 Reduce Regulatory Costs for Maine Businesses"
S.P. 295 L.D. 944

Sponsored by Senator SMITH of Piscataquis.
Cosponsored by Representative CLARK of Millinocket and Senators: BENOIT of Sagadahoc, GOOLEY of Franklin, SHERMAN of Aroostook, Representatives: CEBRA of Naples, LUNDEEN of Mars Hill, SAVIELLO of Wilton, THERIAULT of Madawaska, THIBODEAU of Winterport.

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

Sent down for concurrence.

Bill "An Act Concerning Blasting near Residential Areas" (EMERGENCY)

S.P. 283 L.D. 895

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CROCKETT of Augusta and Representatives: KOFFMAN of Bar Harbor, SILSBY of Augusta.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

Bill "An Act To Prevent Smoke Detector Tampering"
S.P. 297 L.D. 946

Sponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Amend the Laws Concerning Public Fighting"
S.P. 300 L.D. 949

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative NASS of Acton and Senator: McCORMICK of Kennebec, Representatives: BOLAND of Sanford, CROSTHWAITE of Ellsworth, DUPREY of Hampden, TUTTLE of Sanford.

Bill "An Act To Amend the Endangering the Welfare of a Child Laws"
S.P. 301 L.D. 950

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative CRAVEN of Lewiston and Senators: DIAMOND of Cumberland, McCORMICK of Kennebec, PLOWMAN of Penobscot, SHERMAN of Aroostook.

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 Increase Educational Opportunities in the Kennebec Valley Region"
S.P. 286 L.D. 898

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CROCKETT of Augusta and Senator: McCORMICK of Kennebec, Representatives: HANLEY of Gardiner, SILSBY of Augusta, TREAT of Farmingdale.

Resolve, To Prepare Students for Success in the Twenty-first Century
S.P. 298 L.D. 947

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Senator BOWMAN of York, Representative MAKAS of Lewiston and Senator: TURNER of Cumberland, Representatives: CRAVEN of Lewiston, WAGNER of Lewiston.
On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Resolve, To Establish a Committee To Examine the Impacts of the 1993 Amendments to General Assistance Program Eligibility
S.P. 287 L.D. 899

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CROCKETT of Augusta and Representative: SILSBY of Augusta.

Bill "An Act To Amend the Maine Health Data Organization Laws"
S.P. 290 L.D. 902

Sponsored by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative PERRY of Calais and Representatives: GROSE of Woolwich, WALCOTT of Lewiston.
Submitted by the Maine Health Data Organization pursuant to Joint Rule 204.

Resolve, To Create a Look-back Rule for Residential Care Facilities
S.P. 294 L.D. 943

Sponsored by Senator GOOLEY of Franklin.
Cosponsored by Senator: RAYE of Washington, Representatives: MARLEY of Portland, MILLS of Farmington, SAVIELLO of Wilton.

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

Sent down for concurrence.

Bill "An Act To Make Technical and Supervisory Amendments to the Banking Laws"
S.P. 292 L.D. 904

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative BRAUTIGAM of Falmouth and Senator: SNOWE-MELLO of Androscoggin, Representatives: CANAVAN of Waterville, CONOVER of Oakland, CROCKETT of Augusta, McKANE of Newcastle, PRIEST of Brunswick, RICHARDSON of Warren, SAVAGE of Falmouth.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Governing Credit Card Companies"
S.P. 302 L.D. 951

Sponsored by Senator PERRY of Penobscot.

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

Sent down for concurrence.

Bill "An Act To Assist Maine Military Families"
S.P. 291 L.D. 903

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative PATRICK of Rumford and
Representatives: FISCHER of Presque Isle, FISHER of Brewer,
SILSBY of Augusta.
Submitted by the Department of Defense, Veterans and
Emergency Management pursuant to Joint Rule 204.

Bill "An Act To Amend the Employment Practices Law Regarding
Substance Abuse Testing of Temporary Workers"
S.P. 306 L.D. 955

Sponsored by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senator: DOW of Lincoln, Representative:
THOMAS of Ripley.

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

Sent down for concurrence.

Bill "An Act To Provide for Nonpartisan Elections for Sheriffs"
S.P. 304 L.D. 953

Sponsored by Senator COURTNEY of York.
Cosponsored by Senator: McCORMICK of Kennebec,
Representative: DUPREY of Hampden.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested
and ordered printed.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Bill "An Act To Require the State's Share of Local Aid to
Education To Be Used for Property Tax Relief"
S.P. 296 L.D. 945

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Senator: RAYE of Washington, Representatives:
CAIN of Orono, GILES of Belfast, MILLETT of Waterford,
WOODBURY of Yarmouth.

Bill "An Act To Provide Relief to Maine Residents from
Postsecondary Tuition Costs"
S.P. 299 L.D. 948

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PINGREE of North Haven and
Senators: BRYANT of Oxford, President EDMONDS of
Cumberland, MARTIN of Aroostook, MITCHELL of Kennebec,
PERRY of Penobscot, STRIMLING of Cumberland,
Representatives: FAIRCLOTH of Bangor, MARLEY of Portland.

Bill "An Act To Reduce the Income Tax"
S.P. 303 L.D. 952

Sponsored by Senator COURTNEY of York.
Cosponsored by Senator: NASS of York, Representatives:
CEBRA of Naples, CROSTHWAITE of Ellsworth, DUPREY of
Hampden, LANSLEY of Sabattus.

Bill "An Act To Reduce the Sales Tax on Business Energy"
S.P. 305 L.D. 954

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative TARDY of Newport and
Senators: DOW of Lincoln, HASTINGS of Oxford, NASS of York,
PLOWMAN of Penobscot, ROSEN of Hancock, SAVAGE of
Knox, SNOWE-MELLO of Androscoggin, WESTON of Waldo.

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

Sent down for concurrence.

Bill "An Act To Reduce the Capital Gains Tax"
S.P. 288 L.D. 900

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative: MILLS of Farmington.

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

Senator **TURNER** of Cumberland moved to **INDEFINITELY**
POSTPONE the Bill and accompanying papers.

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

Senator **TURNER:** Thank you, Madame President. I would just
like to point out to the Body that the item is improperly before us.
It seeks, while revenue neutral, to raise the tax, which can only be
originated in the House.

On motion by Senator **TURNER** of Cumberland, Bill and
accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

Bill "An Act Relating to Trains and Train Service in the State"
(EMERGENCY)
S.P. 285 L.D. 897

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and
Senator: SAVAGE of Knox, Representatives: CONOVER of
Oakland, KOFFMAN of Bar Harbor, MAZUREK of Rockland.

Bill "An Act To Require Legislative Review before a Road's Designation or Classification May Be Changed" (EMERGENCY)
S.P. 289 L.D. 901

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative FISCHER of Presque Isle and Representatives: JACKSON of Allagash, THERIAULT of Madawaska.

Bill "An Act To Increase Compliance with Truck Weight Limits"
S.P. 307 L.D. 956

Sponsored by Senator PERRY of Penobscot.

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act To Support the Maine Patent Program"
H.P. 632 L.D. 833

Tabled - March 1, 2007, by Senator MITCHELL of Kennebec

Pending - REFERENCE

(Committee on EDUCATION AND CULTURAL AFFAIRS suggested and ordered printed.)

(In House, February 27, 2007, REFERRED to the Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.)

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

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

Off Record Remarks

Senator BENOIT of Sagadahoc was granted unanimous consent to address the Senate off the Record.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Promotion of Travel for Sex Tourism"

H.P. 45 L.D. 47

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

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

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

The Committee on **NATURAL RESOURCES** on Resolve, To Study Alternative Fuel Use by Schools and Public Buildings
H.P. 325 L.D. 409

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve and accompanying papers **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

REFERRED to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow County Commissioners To Appoint Registers of Deeds"

H.P. 122 L.D. 130

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

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

Bill "An Act To Clarify the Process for Public Improvement
Construction Contracts"

S.P. 49 L.D. 141
(C "A" S-7)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-6).**

Signed:

Senator:

BENOIT of Sagadahoc

Representative:

SCHATZ of Blue Hill

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

Reports **READ**.

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

SECOND READERS

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

Senate

Bill "An Act To Clarify the Use and Purpose of Center Turn Lanes"

S.P. 17 L.D. 23

Bill "An Act To Clarify the Requirements for Temporary Licensure of Psychologists"

S.P. 59 L.D. 177

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

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

ORDERS OF THE DAY

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

Resolve, To Assist Veterans in Need of Shelter
H.P. 511 L.D. 662

Tabled - February 15, 2007, by Senator **MARRACHÉ** of Kennebec

Pending - **REFERENCE**

(Committee on **LEGAL AND VETERANS AFFAIRS**, suggested and ordered printed.)

(In House, February 13, 2007, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.)

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.P. 308

**STATE OF MAINE
123RD LEGISLATURE
AUGUSTA, MAINE 04333-0003**

February 28, 2007

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

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Andrew Mead of Bangor for appointment to the Maine Supreme Court.

Pursuant to Constitution of the State of Maine Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prohibit the Surgical Removal of Vocal Cords in Dogs"

H.P. 698 L.D. 923

Bill "An Act To Preserve Agricultural Fairs in Rural Maine" (EMERGENCY)

H.P. 699 L.D. 924

Come 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 Provide Funds To Support Residential Programs for People with Developmental Disabilities"

H.P. 700 L.D. 925

Bill "An Act To Support the Marine Law Institute"

H.P. 701 L.D. 926

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion"

H.P. 702 L.D. 927

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Clarify Certain Laws Related to Fire Safety"

H.P. 671 L.D. 886

Bill "An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids"

H.P. 682 L.D. 907

Bill "An Act To Ensure Safety at Motor Vehicle Events"

H.P. 683 L.D. 908

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:

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Support Central Maine Community College"
H.P. 684 L.D. 909

Bill "An Act To Support Regionalization of Public Schools and Achieve Efficiency and Improve Quality"
H.P. 685 L.D. 910

Bill "An Act To Make Higher Education More Efficient and More Economical"
H.P. 703 L.D. 928

Bill "An Act To Promote Legal Services in Rural Maine"
H.P. 704 L.D. 929

Bill "An Act To Regionalize Supervision of Students in the Unorganized Territory"
H.P. 705 L.D. 930

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

Resolve, To Examine Eligibility for MaineCare Long-term Care Services
H.P. 706 L.D. 931

Bill "An Act To Enact a Five-point Welfare Reform Plan"
H.P. 717 L.D. 957

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce Watercraft Noise Levels on Lakes"
H.P. 672 L.D. 887

Bill "An Act To Clarify the Definition of 'Personal Watercraft'"
H.P. 673 L.D. 888

Resolve, To Study Incentives To Encourage All-terrain Vehicle Registrants To Join Local All-terrain Vehicle Clubs
H.P. 707 L.D. 932

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

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 Provide Health Care Insurance to Volunteer Public Safety Personnel"
H.P. 686 L.D. 911

Bill "An Act To Return Affordable Health Insurance to the State"
H.P. 687 L.D. 912

Bill "An Act To Protect Maine Citizens' Credit"
H.P. 718 L.D. 958

Bill "An Act To Require Insurers To Use Savings from Dirigo Health To Reduce Premiums"
H.P. 719 L.D. 959

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

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 Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices"

H.P. 674 L.D. 889

Bill "An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value"

H.P. 720 L.D. 960

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

On motion by Senator **HOBBS** 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 Amend State Employees' Bargaining Agents' Election Contributions"

H.P. 688 L.D. 913

Bill "An Act To Authorize the Certification of Workplace Safety Programs Offered by Workers' Compensation Insurers"

H.P. 708 L.D. 933

Bill "An Act To Establish Working Hours and Wages for Teenagers"

H.P. 709 L.D. 934

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

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 Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations"

H.P. 675 L.D. 890

Bill "An Act To Allow and Regulate Additional Pari-mutuel Wagering at Commercial Tracks"

H.P. 676 L.D. 891

Bill "An Act To Authorize Nonprofit Organizations To Conduct Tournament Games"

H.P. 677 L.D. 892

Bill "An Act To Extend the Hours for Sale and Delivery of Alcohol"
H.P. 689 L.D. 914

Bill "An Act To Amend the Laws Governing Bingo"
H.P. 690 L.D. 915

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Permit the Sale of Antique Barometers"
H.P. 691 L.D. 916

Bill "An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills"

H.P. 710 L.D. 935

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.

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

PAPERS FROM THE HOUSE

House Paper

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 132 Members
H.P. 692 L.D. 917

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt from Excise Tax Maine Military Personnel Who Are Serving Their Tours of Duty in Maine"

H.P. 678 L.D. 893

Bill "An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services"

H.P. 694 L.D. 919

Bill "An Act To Repeal the Maine Use Tax"

H.P. 695 L.D. 920

Bill "An Act To Protect the Housing Opportunities for Maine Fund"

H.P. 711 L.D. 936

Bill "An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax"

H.P. 712 L.D. 937

Bill "An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities"

H.P. 721 L.D. 961

Bill "An Act To Reform and Lower Maine Taxes"

H.P. 722 L.D. 962

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

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 Papers

Bill "An Act To Establish a 6-month Registration Period for Farm Truck License Plates"

H.P. 679 L.D. 894

Bill "An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency"

H.P. 681 L.D. 906

Bill "An Act To Allow a Landowner To Alter Land within a Highway Right-of-way Held by the Department of Transportation"

H.P. 696 L.D. 921

Bill "An Act To Permit a Noncommercial Agricultural Designation for Certain License Plates"

H.P. 697 L.D. 922

Bill "An Act To Delay Implementation of Motor Vehicle Inspection Rules until Inspectors Have Rules in Hand for 5 Days"

H.P. 713 L.D. 938

Bill "An Act To Permit Front-wheel Drive Vehicles To Have Front Studded Snow Tires Only"

H.P. 714 L.D. 939

Bill "An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods"

H.P. 723 L.D. 963

Bill "An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country" (EMERGENCY)

H.P. 724 L.D. 964

Come 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 Long Pond Water District" (EMERGENCY)

H.P. 716 L.D. 941

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 Resolve
Commission to Study the Costs of Providing Certain
Services in the Unorganized Territories**

The **Commission to Study the Costs of Providing Certain Services in the Unorganized Territories**, pursuant to Resolve 2005, chapter 125 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission to Study the Costs of Providing Certain Services in the Unorganized Territories"

H.P. 670 L.D. 885

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

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

REFERRED to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ENACTORS

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

Emergency Measure

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/13/07) Assigned matter:

Resolve, Directing the Bureau of Revenue Services To Make Information Available Concerning the Amount of Revenue Received from the Companion Animal Sterilization Fund Tax Return Checkoff

S.P. 234 L.D. 767

Tabled - February 13, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.)

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **TAXATION**.

Off Record Remarks

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **REFERRED** to the Committee on **TAXATION**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **REFER** to the Committee on **TAXATION**.

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 6, 2007, at 10:00 in the morning.