

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

In Senate Chamber
Tuesday
March 13, 2007

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

Prayer by Reverend Karen Munson of Readfield United Methodist Church.

REVEREND MUNSON: I'm a little fuzzy this morning. I've just returned from the Gulf region with the mission team of 16 teenage students and 10 adults. I want to share with you a thought that we kept in mind during our week of looking at staggering problems and discovering small and vibrant possibilities. It comes from an African theologian named John Mugambwa. He wrote, 'Deep within energies that bear us lifework is a conviction that we are not closed systems nor frozen pillars of possibility like Lot's wife.' Our team members truly found that as we encountered the people in that region who are struggling to rebuild their lives. In the season that we Christians practice as Lent, these 26 people sacrificed something that you are also sacrificing by being here, one of the most precious modern resources, and that is time. Because we believed that our combined energy made available by this gift of time is part of the possibility for building communities and building lives, we discovered that the real hope there, and I think the real hope here, is the resiliency and the tenacity of the people who we serve. We discovered new hopes and sacrifices in ourselves. I watched a 17 year old young woman from China sacrifice her fear and learn to get up a roof and drive shingles. I watched Rick from the mill in Livermore Falls sacrifice his vacation and Tyrique, a dapper young man from New York, sacrifice his pride as his foot went through said roof. I watched Nona who sacrificed sleep to feed all of us. You, who serve the State of Maine, know that it's hope lies in the creativity and the tenacity and the willingness to sacrifice of its people. Every day that you spend together is a sort of mission trip. That's the thought I give you today. As you give your own sacrifice of time, remember that you join citizens that know it's possible to live together in ways that draw on all of our strengths and all of our possibilities. Shall we spend just a moment in prayer.

Gracious God, who makes life possible, help us to recognize the tremendous challenges before us and not to minimize the difficulty of them. Yet help us at the same time to draw upon the incredible resources that You give us, resources within ourselves and resources within our communities, knowing that each is a gift given to be sacrificed for the good of each other and of all. Bless this Body as they work their best today and give them moments of rest in that work that will sustain them. Amen.

Pledge of Allegiance led by Senator Roger L. Sherman of Aroostook County.

Reading of the Journal of Thursday, March 8, 2007.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer"
S.P. 312 L.D. 995

In Senate, March 6, 2007, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Ensure Access to the Community College for Students in Maine"
H.P. 827 L.D. 1134

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

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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

Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits
H.P. 895 L.D. 1267

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

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

Bill "An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties"
H.P. 899 L.D. 1271

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

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

Bill "An Act To Facilitate Debarment of State Contractors with Serious or Repeated Labor Violations"
H.P. 805 L.D. 1087

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

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

Bill "An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor"
H.P. 754 L.D. 1036

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

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES**.

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

Resolve, To Stabilize the Naples Waterfront
H.P. 855 L.D. 1174

Committee on **NATURAL RESOURCES** suggested and ordered printed.

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

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

Resolve, Establishing the Commission To Study Biofuel Use in School Districts (EMERGENCY)
H.P. 797 L.D. 1079

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

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

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

Bill "An Act To Protect Electric Ratepayers"
H.P. 841 L.D. 1148

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 101

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

March 8, 2007

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Utilities and Energy has had under consideration the nomination of Richard S. Davies of Hallowell, for appointment as the Public Advocate.

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

YEAS Senators 3 Bartlett of Cumberland,
Hobbins of York, Smith of
Piscataquis

Representatives 7 Bliss of South Portland,
Adams of Portland, Berry of
Bowdoinham, Blanchard of
Old Town, Fletcher of
Winslow, Hinck of Portland,
Rines of Wiscasset

NAYS Senators 0

Representatives 2 Curtis of Madison, Thibodeau
of Winterport

ABSENT 1 Rep. Fitts of Pittsfield

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

YEAS Senators 1 Bartlett of Cumberland

Representatives 6 Bliss of South Portland,
Adams of Portland, Berry of
Bowdoinham, Blanchard of
Old Town, Fletcher of
Winslow, Hinck of Portland

NAYS 0

ABSENT 6 Rep. Curtis of Madison, Rep.
Fitts of Pittsfield, Sen.
Hobbins of York, Rep. Rines
of Wiscasset, Sen. Smith of
Piscataquis, Rep. Thibodeau
of Winterport

Ten members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Richard S. Davies of Hallowell, for appointment as the Public Advocate be confirmed.

Signed,

S/Philip L. Bartlett II
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 102

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

March 7, 2007

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Utilities and Energy has had under consideration the nomination of Vendean V. Vafiades of Hallowell, for reappointment to the Public Utilities Commission.

Seven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Vendean V. Vafiades of Hallowell, for reappointment to the Public Utilities Commission be confirmed.

Signed,

S/Philip L. Bartlett II
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 103

**DEMOCRATIC LEADERSHIP
123RD MAINE LEGISLATURE**

February 28, 2007

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

Dear Secretary O'Brien:

Pursuant to Joint Rule 501, we are pleased to appoint Toby McGrath of the Speaker's Office to serve as Partisan Staff Assistant for Nominations. He will be sharing these duties with Rick McCarthy of the Senate President's Office.

Please let us know if you have any questions.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

S/Elizabeth Mitchell
Senate Majority Leader

S/Hannah Pingree
House Majority Leader

S/John Martin
Assistant Senate Majority Leader

S/Sean Faircloth
Assistant House Majority Leader

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 104

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

March 8, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Executive Order 27 FY06/07, I am pleased to appoint the following Senators to the Governor's Task Force Regarding the Management of Public Lands and Publicly-Held Easements in Maine:

Senator Bruce S. Bryant of Oxford County
Senator Kevin L. Raye of Washington County

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey Interests of the State in Land in Lincolnville
S.P. 464 L.D. 1350

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative: WALKER of Lincolnville.

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

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for the Preservation of Forest Lodge in the Town of Upton"
S.P. 460 L.D. 1312

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative CARTER of Bethel and Senators: HOBBS of York, MARTIN of Aroostook, Representatives: ADAMS of Portland, BRYANT of Windham, MIRAMANT of Camden, PATRICK of Rumford.

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

Sent down for concurrence.

Resolve, Directing the Treasurer of State To Convene a Study Commission To Develop Recommendations To Improve the Administration of the State-Municipal Revenue Sharing Program
S.P. 471 L.D. 1357

Sponsored by Senator HOBBS of York.
Cosponsored by Senator: BRYANT of Oxford, Representatives: BLANCHETTE of Bangor, HOGAN of Old Orchard Beach.

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

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

Sent down for concurrence.

Resolve, To Study the Distribution of Revenue Sharing
S.P. 472 L.D. 1358

Sponsored by Senator HOBBS of York.
Cosponsored by Representative VALENTINO of Saco and Representatives: BEAUDETTE of Biddeford, BLANCHETTE of Bangor, HOGAN of Old Orchard Beach.

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

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing the Maine State Housing Authority"

S.P. 466 L.D. 1352

Sponsored by President EDMONDS of Cumberland.

Bill "An Act To Preserve and Grow Maine Small Businesses"
S.P. 478 L.D. 1364

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative SMITH of Monmouth and
Senators: COURTNEY of York, SCHNEIDER of Penobscot,
Representatives: BEAUDETTE of Biddeford, CLEARY of Houlton,
MacDONALD of Boothbay, PRESCOTT of Topsham, RECTOR of
Thomaston, SILSBY of Augusta.

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 To Assist Maine Pharmacies"

S.P. 450 L.D. 1287

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative ROBINSON of Raymond.

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

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

Bill "An Act To Promote Postsecondary Education Opportunities
for Juveniles under the Care of the Department of Corrections"
S.P. 465 L.D. 1351

Sponsored by Senator STRIMLING of Cumberland.

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 Impose Tighter Controls over Addictive
Prescription Drugs"

S.P. 449 L.D. 1286

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Limit Recertification of Nursing Facility Residents
to One Regulatory Organization"

S.P. 451 L.D. 1288

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Senators: BRANNIGAN of Cumberland,
NUTTING of Androscoggin, SCHNEIDER of Penobscot,
Representatives: PILON of Saco, VALENTINO of Saco, WALKER
of Lincolnville.

Bill "An Act To Ensure Consistency in Patient Care in Nursing
Homes"

S.P. 456 L.D. 1308

Sponsored by Senator NUTTING of Androscoggin.

Bill "An Act To Provide Equity in Funding for Women's Health
Services"

S.P. 457 L.D. 1309

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative PINGREE of North Haven and
Senators: BARTLETT of Cumberland, BRANNIGAN of
Cumberland, MILLS of Somerset, STRIMLING of Cumberland,
TURNER of Cumberland, Representatives: ADAMS of Portland,
BOLAND of Sanford, BRAUTIGAM of Falmouth, BRYANT of
Windham, CAIN of Orono, CROCKETT of Augusta, Speaker
CUMMINGS of Portland, DILL of Cape Elizabeth, HAYES of
Buckfield, HILL of York, HINCK of Portland, HOLMAN of Fayette,
MAKAS of Lewiston, MILLER of Somerville, MIRAMANT of
Camden, MUSE of Fryeburg, NORTON of Bangor, PEOPLES of
Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of
Bremen, PRATT of Eddington, RAND of Portland, STRANG
BURGESS of Cumberland, TREAT of Farmingdale, WEBSTER of
Freeport.

Resolve, To Direct the Department of Health and Human
Services To Establish a Physician Specialist Program
S.P. 468 L.D. 1354

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative: PERRY of Calais.

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"
S.P. 475 L.D. 1361

Sponsored by Senator MILLS of Somerset.
Cosponsored by Representatives: CRAVEN of Lewiston,
HASKELL of Portland, KNIGHT of Livermore Falls, PINGREE of
North Haven.

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

Sent down for concurrence.

Resolve, To Create a New Hunter Safety Course
S.P. 453 L.D. 1305

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative BRYANT of Windham and
Senators: HOBBS of York, MARTIN of Aroostook,
Representatives: CARTER of Bethel, JACKSON of Allagash,
PATRICK of Rumford.

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

Sent down for concurrence.

Bill "An Act To Amend the Maine Tort Claims Act"
S.P. 462 L.D. 1348

Sponsored by Senator HOBBS of York.
Cosponsored by Representative SIMPSON of Auburn.

Resolve, To Waive the Tort Claims Limitation on Damages
Relative to the Traumatic Brain Injury of Lucas Tolliver
S.P. 463 L.D. 1349

Sponsored by Senator HOBBS of York.
Cosponsored by Representative SIMPSON of Auburn.

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 Laws Regarding Appeals from
Decisions Issued by the Workers' Compensation Board"
S.P. 448 L.D. 1285

Sponsored by Senator WESTON of Waldo.
Cosponsored by Senator: DOW of Lincoln.

Bill "An Act To Make Unemployment Compensation Law More
Fair to Seniors"
S.P. 458 L.D. 1310

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative HASKELL of Portland.

Bill "An Act Regarding the Calculation of the Livable Wage"
S.P. 469 L.D. 1355

Sponsored by Senator DOW of Lincoln.

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

Sent down for concurrence.

Bill "An Act To Protect against Discrimination in Housing"
S.P. 454 L.D. 1306

Sponsored by Senator BARTLETT of Cumberland.

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

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

Bill "An Act To Amend the Laws Governing Municipal Elections"
S.P. 476 L.D. 1362

Sponsored by Senator MARTIN of Aroostook.

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

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

Bill "An Act To Fight Global Warming Effects in the State"
S.P. 459 L.D. 1311

Sponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Amend the Solid Waste Management Laws"
S.P. 461 L.D. 1313

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senator: SNOWE-MELLO of Androscoggin,
Representatives: DUCHESNE of Hudson, EBERLE of South
Portland.
Submitted by the State Planning Office pursuant to Joint Rule
204.

Resolve, To Provide a Comprehensive Assessment of Progress
Made To Eliminate Combined Sewer Overflow into the State's
Waterways
S.P. 467 L.D. 1353

Sponsored by Senator BENOIT of Sagadahoc.
Cosponsored by Representative PRESCOTT of Topsham and
Senators: RAYE of Washington, ROSEN of Hancock,
SCHNEIDER of Penobscot, Representative: BEAUDETTE of
Biddeford.

Bill "An Act To Ensure the Availability of Existing Drinking Water
Sources of Supply"
S.P. 473 L.D. 1359

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative PINGREE of North Haven and
Senators: ROSEN of Hancock, SMITH of Piscataquis, SULLIVAN
of York, Representative: ROSEN of Bucksport.

Bill "An Act To Update the Dioxin Monitoring Program"
S.P. 479 L.D. 1392

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative HOTHAM of Dixfield and
Senators: BRYANT of Oxford, NUTTING of Androscoggin,
Representatives: EBERLE of South Portland, MIRAMANT of
Camden.
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 Reduce Duplication of Paperwork for Fuel
Distributors"
S.P. 455 L.D. 1307

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative: ROBINSON of Raymond.

Bill "An Act To Provide a Tax Credit for Revitalization of Historic
Mill Facilities"
S.P. 470 L.D. 1356

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative SILSBY of Augusta and
Senators: COURTNEY of York, MARRACHÉ of Kennebec,
Representatives: CANAVAN of Waterville, CLARK of Millinocket,
FISHER of Brewer, VALENTINO of Saco.

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

Sent down for concurrence.

Bill "An Act Relative to Motor Vehicles and Floats Operated in
Parades"
S.P. 452 L.D. 1304

Sponsored by Senator BOWMAN of York.

Bill "An Act To Amend the Laws Governing Access to State and
State Aid Highways To Permit Traffic Safety and Rest Area
Exceptions"
S.P. 477 L.D. 1363

Sponsored by Senator DAMON of Hancock.

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

Sent down for concurrence.

Bill "An Act To Require Owners of Utility Facilities To
Accommodate the Installation of Traffic Control Signals and To
Permit the University of Maine System To Construct Lines on
Public Rights-of-way" (EMERGENCY)
S.P. 474 L.D. 1360

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative CAIN of Orono and Senator:
MARTIN of Aroostook, Representative: TARDY of Newport.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Harold E. Jones, of Yarmouth, World War II veteran, ranger pilot,
avid sportsman. Mr. Jones enlisted in the U.S. Navy on his 17th
birthday and served during World War II at naval air bases in the
Pacific. Much of his life was dedicated to public service. In
addition to working for 29 years for Sunoco, Mr. Jones joined the
Falmouth Fire Department in 1950 and served as Fire Chief from
1960 to 1973. He enlisted in the Coast Guard in 1957 as a petty
officer and retired in 1985 as a lieutenant commander. Mr. Jones
was an expert marksman who served as an instructor for the
State Fire Marshal's Office. He was a ranger pilot with the Maine
Forest Service for 30 years and during that time he fought
hundreds of forest fires and participated in many successful
searches and rescues. Mr. Jones received a number of awards
including Falmouth's first Citizen of the Year award in 1967 and
the FAA's Master Pilot award, for more than 50 years as a safe
pilot. Mr. Jones will be greatly missed and long remembered by
all whose lives he has touched;

SLS 67

Sponsored by Senator GOOLEY of Franklin.
Cosponsored by Senator: TURNER of Cumberland,
Representative: WOODBURY of Yarmouth.

READ.

THE PRESIDENT: The Chair recognizes the Senator from
Franklin, Senator Gooley.

Senator **GOOLEY**: Thank you, Madame President. It's a pleasure for me to stand before you here today and talk about Jonesy. Harold Jones was known as Jonesy and he had that nickname for a long time. Jonesy was a State employee. He was a special person. He was a talented person. He was a very colorful person. He was born in the St. John River Valley in Northern Maine. I'm not sure if he was an easy child to raise, but who knows. You'd have to ask that question, right? I knew Jonesy well. I was a photographer for the Maine Forest Service Department of Conservation for several years and one of the things that I did was aerial photography, covering forest fires, timber blow downs, and some search and rescue. These are things that Jonesy did many times and I flew with him many times. He could fly anything. He could fly any kind of plane or helicopter.

The family members are here today. His son, Adam, is here and his daughter, Rebecca, is here. His granddaughter, Madeline, and his grandson, William, are also here.

Many of my associates will remember Jonesy as a storyteller. He was the best of the best. I've been around a long time and he was a storyteller. When I say he was the best of the best it's because his thoughts were right out of the St. John River Valley. He kept us in stitches for hours with tales of the North country. Jonesy was a real plus for the State of Maine. He was a dedicated State employee. As we're debating the issues here in the State capital on a hot dry windy afternoon in May we may hear a helicopter fly by. Who knows, it may be Jonesy off to a fire, working for the betterment of the State of Maine.

Madame President, I would ask that at the end of today's session we adjourn in honor and lasting tribute to Harold Jones. Thank you.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Harold Jones' family. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government"
H.P. 185 L.D. 214

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-12).**

Signed:

Senators:

- SCHNEIDER of Penobscot
- BRANNIGAN of Cumberland
- BENOIT of Sagadahoc

Representatives:

- BOLAND of Sanford
- WEAVER of York
- BEAUDETTE of Biddeford
- SIROIS of Turner
- CURTIS of Madison
- JOY of Crystal
- HAYES of Buckfield
- COTTA of China
- SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-13).**

Signed:

Representative:

- BARSTOW of Gorham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12).**

Reports **READ.**

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-12) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate
Ought to Pass

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Correct an Inconsistency in Unemployment Insurance Tax Law"

S.P. 129 L.D. 382

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense" S.P. 22 L.D. 24

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

Signed:

Senators:

- DAMON of Hancock
- DIAMOND of Cumberland
- SAVAGE of Knox

Representatives:

- MARLEY of Portland
- FISHER of Brewer
- HOGAN of Old Orchard Beach
- MAZUREK of Rockland
- PEOPLES of Westbrook
- BROWNE of Vassalboro
- ROSEN of Bucksport

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

Signed:

Representatives:

- THERIAULT of Madawaska
- THOMAS of Ripley
- CEBRA of Naples

Reports **READ.**

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

Senator **WESTON** of Waldo requested a Division.

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

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report. (Roll Call Ordered)

SECOND READERS

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

House As Amended

Bill "An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission"

H.P. 37 L.D. 36
(C "A" H-10)

Bill "An Act To Provide Reinstatement of Group Life Insurance for Public Employees Returning from Unpaid Military Leave"

H.P. 136 L.D. 154
(C "A" H-9)

Bill "An Act Requiring the Municipal Clerk To Inspect Municipal Election Ballots"

H.P. 173 L.D. 202
(C "A" H-8)

Bill "An Act To Ensure Proper Funding of the Public Utilities Commission" (EMERGENCY)

H.P. 223 L.D. 267
(C "A" H-11)

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

Senate

Bill "An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992"

S.P. 44 L.D. 136

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Authorize the Bureau of Warden Service to Provide Assistance to Other Entities"

S.P. 88 L.D. 251
(C "A" S-8)

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

Sent down for concurrence.

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

Off Record Remarks

ENACTORS

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

Acts

An Act To Clarify the Use and Purpose of Center Turn Lanes
S.P. 17 L.D. 23

An Act To Clarify the Process for Public Improvement
Construction Contracts
S.P. 49 L.D. 141
(C "A" S-7)

An Act To Clarify the Requirements for Temporary Licensure of
Psychologists
S.P. 59 L.D. 177

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

Resolve

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

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

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:

SENATE REPORT - from the Joint Select Committee on **Joint Select Committee on Research, Economic Development and the Innovation Economy** on Bill "An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy"
S.P. 107 L.D. 335

Report - **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

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

Pending - **ACCEPTANCE OF REPORT**

(In Senate January 25, 2007, Report **READ**.)

On motion by Senator **ROTUNDO** of Androscoggin, Report **ACCEPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/8/07) Assigned matter:

Bill "An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws"
H.P. 806 L.D. 1088

Tabled - March 8, 2007, by Senator **MARRACHÉ** of Kennebec

Pending - **REFERENCE**

(In House, March 6, 2007, **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.

The Chair laid before the Senate the following Tabled and Later (3/8/07) Assigned matter:

Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine"
S.P. 411 L.D. 1163

Tabled - March 8, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/8/07) Assigned matter:

Bill "An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles"

S.P. 398 L.D. 1210

Tabled - March 8, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/8/07) Assigned matter:

Bill "An Act To Permit a Local Option Sales Tax in Towns Adjacent to a National Park"

S.P. 415 L.D. 1167

Tabled - March 8, 2007, by Senator **PERRY** of Penobscot

Pending - **REFERENCE**

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

On motion by Senator **DAMON** of Hancock, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/8/07) Assigned matter:

Bill "An Act To Amend the Motor Vehicle Laws Concerning Work Licenses"

S.P. 394 L.D. 1206

Tabled - March 8, 2007, by Senator **DAMON** of Hancock

Pending - **REFERENCE**

(Committee on **TRANSPORTATION** suggested and ordered printed.)

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith 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. 480

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 8, 2006

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
123rd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Land for Maine's Future Board:

Benjamin Emory of Salisbury Cove for appointment
Jeanne Matava-Mattson of Hallowell for appointment
Diane Doyle of Saco for appointment
Leon Gorman of Yarmouth for reappointment

Pursuant to Title 5 M.R.S.A. Section 6204, 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.

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The Town of Stockton Springs, on the occasion of the 150th Anniversary of its incorporation. Originally a part of Prospect, the town of Stockton was incorporated on March 13, 1857. In 1889, the town became known as Stockton Springs. We send the good citizens of Stockton Springs our congratulations on this anniversary and send them our best wishes for a successful future;

SLS 68

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative: WEDDELL of Frankfort.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President and men and women of the Senate. 150 years ago today the Town of Stockton Springs became incorporated. Stockton Springs has everything that you think of when you think of Maine. It's beautiful coastline, lighthouse, gorgeous village, and wonderful people. I ask you to share with me here today and with the folks who are watching in Stockton Springs at this moment that we send out congratulations and best wishes to them for the next 150 years.

PASSED.

Sent down for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Enhance Protection against Rabies in Wolf Hybrids"

H.P. 911 L.D. 1293

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 Paper

Bill "An Act To Authorize a General Fund Bond Issue To Support Maine's Economy and Quality of Place through the New Century Community Program"

H.P. 953 L.D. 1344

Comes 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 Provide Oversight for Crematoriums"

H.P. 907 L.D. 1289

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

On motion by Senator **MARTIN** of Aroostook, **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 Enhance Enforcement of Public Health Measures"

H.P. 908 L.D. 1290

Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations
H.P. 909 L.D. 1291

Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons
H.P. 929 L.D. 1321

Bill "An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance"
H.P. 934 L.D. 1326

Bill "An Act Regarding Tobacco Products in Jails"
H.P. 941 L.D. 1332

Bill "An Act To Rename and Specifically Identify Sex Crimes"
H.P. 976 L.D. 1384

Bill "An Act To Focus the Use of the Sex Offender Registry Website on the Most Dangerous Offenders"
H.P. 984 L.D. 1391

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

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 Ensure the Provision of Necessary Conditions for Effective Education Reform"
H.P. 910 L.D. 1292

Bill "An Act To Restore Income as a Factor in the Determination of Fiscal Capacity in the School Funding Formula"
H.P. 932 L.D. 1324

Bill "An Act To Ensure Adequate Funding for Students of Alternative Schools"
H.P. 933 L.D. 1325

Bill "An Act To Develop an Equitable Funding Formula for the University of Maine System Campuses"
H.P. 942 L.D. 1333

Bill "An Act To Limit the Loss a School Administrative Unit Could Receive under the School Funding Formula"
H.P. 958 L.D. 1366

Bill "An Act To Address the Inequities of the Probationary Teacher Laws"
H.P. 959 L.D. 1367

Bill "An Act To Revise the Essential Programs and Services Funding Formula To Increase Equity in School Funding"
H.P. 960 L.D. 1368

Bill "An Act To Strengthen Arts Education for All Maine Students"
H.P. 977 L.D. 1385

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 Promote High-quality Before-school and After-school Programs
H.P. 961 L.D. 1369

Bill "An Act Requiring Public Disclosure of Health Care Prices"
H.P. 962 L.D. 1370

Resolve, To Provide Adequate Funding for Emergency Homeless Shelters (EMERGENCY)
H.P. 963 L.D. 1371

Bill "An Act To Make Criminal Background Checks and Department of Health and Human Services Child Protective Substantiation Checks on Volunteers More Affordable"
H.P. 978 L.D. 1386

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 Paper

Bill "An Act Concerning the Taking of Nuisance Animals"
H.P. 979 L.D. 1387

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 Establish a Health Care Bill of Rights"
H.P. 912 L.D. 1294

Resolve, To Establish a Task Force To Study Strategies To Promote Financial Literacy
H.P. 943 L.D. 1334

Bill "An Act To Provide for Prompt Resolution of Insurance Claims"
H.P. 981 L.D. 1389

Bill "An Act Related to Special Purpose Reinsurance Vehicles"
H.P. 982 L.D. 1390

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 Increase Caps on Damages in Actions under the Maine Human Rights Act"
H.P. 964 L.D. 1372

Bill "An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem"
H.P. 980 L.D. 1388

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 the Labor Laws Regarding Automobile Dealerships"
H.P. 913 L.D. 1295

Bill "An Act To Reimburse MaineCare in Certain Workers' Compensation Cases"
H.P. 922 L.D. 1314

Bill "An Act To Amend Survivors' Benefits under the Workers' Compensation Laws"
H.P. 935 L.D. 1327

Bill "An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes"
H.P. 954 L.D. 1345

Bill "An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts" (EMERGENCY)
H.P. 965 L.D. 1373

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

On motion by Senator **SULLIVAN** of York, **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 Amend the Wine License Laws"
H.P. 923 L.D. 1315

Bill "An Act To Define Campaign Communications Requiring Matching Clean Election Funding"
H.P. 924 L.D. 1316

Bill "An Act To Require a Minimum Number of Votes in a Primary To Continue To Qualify as a Maine Clean Election Act Candidate"
H.P. 925 L.D. 1317

Bill "An Act To Clarify Restrictions on Accepting Campaign Contributions Laws"
H.P. 950 L.D. 1341

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.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Require the Department of Marine Resources and the Office of Program Evaluation and Government Accountability To Conduct an Independent Review and Audit of the Public Health Division (EMERGENCY)

H.P. 926 L.D. 1318

Comes 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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Standards for Coastal Waters

H.P. 915 L.D. 1297

Bill "An Act Relating to Previously Approved Small Coastal Subdivisions"

H.P. 927 L.D. 1319

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 Papers

Bill "An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government"

H.P. 928 L.D. 1320

Bill "An Act To Clarify the Determination of the Applicable Assessment Date for Certain Municipal Development District Projects"

H.P. 945 L.D. 1336

Bill "An Act To Make Civil Process Fees on Papers Served on Behalf of the State of Maine Consistent with Fees Paid by Other Government Entities"

H.P. 957 L.D. 1365

Bill "An Act To Require Expense Reporting by Municipalities and Counties"

H.P. 966 L.D. 1374

Come 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 Amend the Definition of 'Working Waterfront Land' To Include Land Used for Marine Trades"

H.P. 916 L.D. 1298

Bill "An Act To Amend the Farm and Open Space Tax Law"

H.P. 917 L.D. 1299

Bill "An Act To Return a Portion of Sales, Lodging and Meals Taxes to Municipalities"

H.P. 918 L.D. 1300

Bill "An Act Concerning the Taxation of Property Owned by Certain Nonprofit Organizations"

H.P. 947 L.D. 1338

Bill "An Act To Enhance Energy Security by Requiring Greater Fuel Efficiency"

H.P. 951 L.D. 1342

Bill "An Act To Equalize the Taxation of Noncigarette Tobacco Products"

H.P. 967 L.D. 1375

Bill "An Act To Preserve Farmland and Timberland"

H.P. 968 L.D. 1376

Bill "An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax" (EMERGENCY)
H.P. 969 L.D. 1377

Resolve, To Provide Information to Maine Citizens Regarding Maine's Tax Laws
H.P. 970 L.D. 1378

Bill "An Act To Create an Income Tax Stabilization Program"
H.P. 971 L.D. 1379

Bill "An Act To Provide Income Tax Relief to Working and Middle-class Families"
H.P. 972 L.D. 1380

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 Papers

Bill "An Act To Require All Construction Vehicles To Have a Backup Sensor"
H.P. 919 L.D. 1301

Bill "An Act To Allow Municipalities To Set Speed Limits on Certain Roads"
H.P. 937 L.D. 1329

Bill "An Act To Promote School Zone Safety"
H.P. 938 L.D. 1330

Resolve, To Assist in Appropriate Notification in an Emergency
H.P. 946 L.D. 1337

Bill "An Act To Encourage Vanpooling and Carpooling"
H.P. 952 L.D. 1343

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 Papers

Resolve, To Preserve Maine's Electric Energy Infrastructure
H.P. 920 L.D. 1302

Bill "An Act To Establish the Columbia Falls Village Water District"
H.P. 921 L.D. 1303

Bill "An Act To Encourage Community Wind Power Projects"
H.P. 939 L.D. 1331

Resolve, To Reduce Energy Costs for Consumers
H.P. 948 L.D. 1339

Bill "An Act To Enhance the Reliability and Competitiveness of Maine's Electricity Market"
H.P. 949 L.D. 1340

Bill "An Act To Enhance Maine's Energy Independence and Reduce Electricity Costs"
H.P. 955 L.D. 1346

Bill "An Act To Establish Alternative Fuel Incentive Grants To Stimulate the Production, Distribution and Use of Biofuels"
H.P. 956 L.D. 1347

Resolve, To Ensure the Success of Regional Climate Change Efforts
H.P. 973 L.D. 1381

Bill "An Act To Create a Utility District in Edgecomb"
H.P. 974 L.D. 1382

Bill "An Act To Enhance Availability of Emergency Telephone Services"
H.P. 975 L.D. 1383

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.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Regarding a License To Operate an Attended Sales Promotion"

H.P. 53 L.D. 55

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-18)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)**.

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

READ ONCE.

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent forthwith to the Engrossing Division.

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 To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007

H.P. 262 L.D. 327
(S "A" S-9 to C "A" H-5)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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 Today Assigned matter:

NOMINATION - of Richard S. Davies of Hallowell, for appointment as the Public Advocate

Tabled - March 13, 2007, by Senator **MITCHELL** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 13, 2007, Communication (S.C. 101) from the Committee on **UTILITIES AND ENERGY, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#25)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, NUTTING, STRIMLING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Richard S. Davies** of Hallowell, for appointment as the Public Advocate was **CONFIRMED**.

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

THE PRESIDENT: The Chair recognizes in the rear of the Chamber Richard S. Davies of Hallowell. Would he please rise and accept the greetings of the Maine Senate.

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

NOMINATION - of Vendean V. Vafiades of Hallowell, for reappointment to the Public Utilities Commission

Tabled - March 13, 2007, by Senator **MITCHELL** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 13, 2007, Communication (S.C. 102) from the Committee on **UTILITIES AND ENERGY**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#26)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, STRIMLING

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Vendean V. Vafiades** of Hallowell, for reappointment to the Public Utilities Commission was **CONFIRMED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 106

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

March 12, 2007

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Criminal Justice & Public Safety has had under consideration the nomination of Robert P. McAleer of Harpswell, for appointment as the Director of the Maine Emergency Management Agency.

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

YEAS Senators 2 Diamond of Cumberland, McCormick of Kennebec
Representatives 10 Gerzofsky of Brunswick, Blanchette of Bangor, Greeley of Levant, Hanley of Gardiner, Haskell of Portland, Hill of York, Kaenrath of South Portland, Plummer of Windham, Sykes of Harrison, Tibbetts of Columbia

NAYS 0

ABSENT 1 Sen. Sherman of Aroostook

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert P. McAleer of Harpswell, for appointment as the Director of the Maine Emergency Management Agency be confirmed.

Signed,

S/Bill Diamond
Senate Chair

S/Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#27)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, STRIMLING

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert P. McAleer** of Harpswell, for appointment as the Director of the Maine Emergency Management Agency was **CONFIRMED**.

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

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

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

Senator **MARRACHÉ** of Kennebec 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.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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 To Amend the Law Regarding a License To Operate an Attended Sales Promotion

H.P. 53 L.D. 55
(C "A" H-18)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, until Thursday, March 15, 2007, at 10:00 in the morning, in memory of and lasting tribute to Harold E. Jones of Yarmouth.