

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

In Senate Chamber
Thursday
May 17, 2007

Senate called to order by President Pro Tem Elizabeth H. Mitchell of Kennebec County.

Prayer by Pastor Mark Wilson of Phippsburg Congregational Church.

PASTOR WILSON: Every so often I drive an hour up here and drive an hour home for the privilege of one minute of your time to deliver this message. Thank you. People aren't thanked enough I don't think, so I come here this morning on behalf of the citizens of Maine and the clergy of Maine to say thank you for the work that you do. You work hard to get here and then once you are here you work even harder, and if you'll pardon the expression, my understanding is you are pulled six ways to Sunday here. What you do must be a calling. It is for this reason, perhaps, that in many countries the people who do the work of the state are called ministers. Together, let us pray.

Divine Spirit that creates and renews and calls us to life and love and joy and peace, bless these ministers of this State of Maine as they seek to be faithful to the calling to which they have been called. Help us to remember that we come from many different places, but in You we are one. Amen.

Reading of the Journal of Wednesday, May 16, 2007.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MARTIN** of Aroostook, the following Joint Order:
S.P. 710

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 22, 2007. The House will convene at 9:00 and the Senate at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents"

H.P. 12 L.D. 11

In House, May 10, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-185).**

In Senate, May 15, 2007, Reports **READ.** On motion by Senator **BRYANT** of Oxford, Report "**B**", **OUGHT NOT TO PASS ACCEPTED**, in **NON-CONCURRENCE.**

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

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

Non-Concurrent Matter

Bill "An Act To Establish the Missing Senior Citizen Alert Program"

H.P. 587 L.D. 769

In House, May 10, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196) AS AMENDED BY HOUSE AMENDMENT "A" (H-218)** thereto.

In Senate, May 15, 2007, Reports **READ.** On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE.**

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

Senator **DIAMOND** of Cumberland moved the Senate **ADHERE.**

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

Non-Concurrent Matter

Bill "An Act To Ensure Equitable Geographic Representation on the State Board of Education"

S.P. 240 L.D. 791
(S "A" S-107 to C "A" S-43)

In House, May 2, 2007, **PASSED TO BE ENACTED.**

In Senate, May 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43) AS AMENDED BY SENATE AMENDMENT "A" (S-107)** thereto, in **NON-CONCURRENCE.**

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

On motion by Senator **BOWMAN** of York, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians"

H.P. 986 L.D. 1403

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth

H.P. 412 L.D. 534

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Preserve Agricultural Fairs in Rural Maine" (EMERGENCY)

H.P. 699 L.D. 924

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

READ ONCE.

Committee Amendment "A" (H-227) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support the Maine Patent Program"

H.P. 632 L.D. 833

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-225)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**.

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

READ ONCE.

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Fund a Southern Maine Regional Applied Technology Center in Sanford"

H.P. 1057 L.D. 1532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-224)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**.

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

READ ONCE.

Committee Amendment "A" (H-224) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Lifetime Tribal License"

H.P. 49 L.D. 51

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-228)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**.

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

READ ONCE.

Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Concerning the Taking of Nuisance Animals"
H.P. 979 L.D. 1387

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

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

READ ONCE.

Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service"
H.P. 1022 L.D. 1452

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-235)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)**.

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

READ ONCE.

Committee Amendment "A" (H-235) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify and Update the Laws Related to Health Insurance"

H.P. 1053 L.D. 1503

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-234)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234)**.

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

READ ONCE.

Committee Amendment "A" (H-234) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-219)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**.

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

READ ONCE.

Committee Amendment "A" (H-219) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-222)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222)**.

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

READ ONCE.

Committee Amendment "A" (H-222) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country" (EMERGENCY)

H.P. 724 L.D. 964

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-223)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-223)**.

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

READ ONCE.

Committee Amendment "A" (H-223) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"

H.P. 115 L.D. 123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-142)**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
McFADDEN of Dennyville

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

Signed:

Senator:

MILLS of Somerset

Representatives:

FINCH of Fairfield
SUTHERLAND of Chapman
EDGECOMB of Caribou
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament"

H.P. 622 L.D. 825

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-230)**.

Signed:

Senators:

PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
McLEOD of Lee
WHEELER of Kittery
LUNDEEN of Mars Hill

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

Signed:

Senator:
BRYANT of Oxford

Representatives:
FINCH of Fairfield
EBERLE of South Portland
RICHARDSON of Carmel
BRYANT of Windham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-230)**.

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-230) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"
H.P. 1167 L.D. 1658

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-231)**.

Signed:

Senators:
MARTIN of Aroostook
BARTLETT of Cumberland

Representatives:
WAGNER of Lewiston
ANNIS of Dover-Foxcroft
MIRAMANT of Camden
EBERLE of South Portland
KOFFMAN of Bar Harbor
DUCHESNE of Hudson
BABBIDGE of Kennebunk
McDONOUGH of Scarborough

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

Signed:

Senator:
SMITH of Piscataquis

Representatives:
HAMPER of Oxford
AYOTTE of Caswell

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)**.

Reports **READ**.

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

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Promote School Zone Safety"
H.P. 938 L.D. 1330

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

Signed:

Senators:
DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:
MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
HOGAN of Old Orchard Beach
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-245)**.

Signed:

Representative:
MAZUREK of Rockland

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

Reports **READ**.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Six members of the Committee on **MARINE RESOURCES** on Resolve, To Modify the 2007 Elver Fishing Season (EMERGENCY)

H.P. 1316 L.D. 1883

Reported in Report "A" that the same **Ought to Pass**.

Signed:

Senators:

DOW of Lincoln
SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough
EATON of Sullivan
FLETCHER of Winslow
EMERY of Cutler

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-221)**.

Signed:

Senator:

DAMON of Hancock

Representatives:

MacDONALD of Boothbay
ADAMS of Portland

Three members of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representatives:

PERCY of Phippsburg
McDONOUGH of Scarborough
MAZUREK of Rockland

Comes from the House with Report "C", **OUGHT NOT TO PASS READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, Report "B", **OUGHT TO PASS AS AMENDED ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-221) **READ** and **ADOPTED**.

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State"

S.P. 159 L.D. 472

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-116)**.

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

READ ONCE.

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the Practice of a Deceased or Incapacitated Dentist"

S.P. 382 L.D. 1194

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-118)**.

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

READ ONCE.

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities"

S.P. 112 L.D. 339

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117)**.

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

READ ONCE.

Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Improve the Historic Preservation Tax Credit"
S.P. 259 L.D. 816

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-115).**

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

READ ONCE.

Committee Amendment "A" (S-115) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Human Services for Promoting Permanency and Safety for Children (EMERGENCY)

S.P. 484 L.D. 1396

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-119).**

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan

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

Signed:

Representative:

WALCOTT of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended Report.**)

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED Report ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase Compliance with Truck Weight Limits"
S.P. 307 L.D. 956

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass.**

Signed:

Representative:

HOGAN of Old Orchard Beach

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS Report ACCEPTED.**

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem
ELIZABETH H. MITCHELL of Kennebec County.

SECOND READERS

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

House As Amended

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY)

H.P. 38 L.D. 37
(C "A" H-217)

Bill "An Act To Integrate Chronic Disease Prevention and Care into the MaineCare Program"

H.P. 544 L.D. 723
(C "A" H-215)

Bill "An Act To Ensure the Success of All Maine Families through Early Care and Education"

H.P. 576 L.D. 755
(C "A" H-216)

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

Senate

Bill "An Act To Harmonize State and Federal Laws on Do-not-call Lists"

S.P. 655 L.D. 1837

Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

S.P. 686 L.D. 1887

Bill "An Act To Establish the Acquired Brain Injury Advisory Council"

S.P. 709 L.D. 1909

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Provide Notice to the General Public about Proposed Initiative Questions" (EMERGENCY)

S.P. 58 L.D. 176
(C "A" S-114)

Bill "An Act Concerning Postpartum Mental Health Education"

S.P. 241 L.D. 792
(C "A" S-111)

Bill "An Act To Enhance Child Support Collections in Maine" (EMERGENCY)

S.P. 328 L.D. 1011
(C "A" S-112)

Bill "An Act To Expand the Scope of Practice of Certified Nursing Assistants To Include the Care of Feeding Tubes and Similar Devices"

S.P. 443 L.D. 1280
(C "A" S-108)

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

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ENACTORS

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

Act

An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species

H.P. 296 L.D. 366
(S "A" S-51 to C "A" H-59)

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

Resolve

Resolve, Directing the Department of Education To Encourage School Administrative Units To Encourage Secondary School Students To Apply to College

H.P. 758 L.D. 1040
(H "A" H-180; S "A" S-100)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/24/07) Assigned matter:

Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport
H.P. 192 L.D. 221
(C "A" H-54)

Tabled - April 24, 2007, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)**, in concurrence

(In House, April 10, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)**.)

(In Senate, April 24, 2007, **READ A SECOND TIME**.)

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-110) **READ**.

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

Senator **RAYE:** Thank you, Madame President. This is a very simple amendment to LD 221, the bill that returns to the City of Eastport the property associated with the Boat School. This amendment simply makes clear that the city cannot transfer ownership of the property conveyed to it pursuant to this legislation without the consent of the legislature.

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-110) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54) AND SENATE AMENDMENT "A" (S-110), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/9/07) Assigned matter:

Bill "An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics"
S.P. 620 L.D. 1753

Tabled - May 9, 2007, by Senator **SULLIVAN** of York

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 9, 2007, **READ A SECOND TIME**.)

On motion by Senator **SULLIVAN** of York, Senate Amendment "A" (S-113) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. This is simply an amendment that is usually added to all health insurances. It exempts long-term Unum and it exempts disability. It is a standard amendment. In our rush to meet deadlines, perhaps you can all understand from your committees, this was exempted. It just needs to be put on. It is typical language. Thank you.

On motion by Senator **SULLIVAN** of York, Senate Amendment "A" (S-113) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-113).

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/16/07) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Explore Regionalization

H.P. 693 L.D. 918

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-226)** (4 members)

Tabled - May 16, 2007, by Senator **BROMLEY** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 15, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate May 16, 2007, Reports **READ**.)

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

Off Record Remarks

Senator **HOBBS** of York 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:

COMMUNICATIONS

The Following Communication: S.C. 301

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

May 16, 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 Marine Resources has had under consideration the nomination of Alton E. West of Milbridge, for reappointment to the Marine Resources Advisory Council.

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	Damon of Hancock, Dow of Lincoln
	Representatives	5	Percy of Phippsburg, Eaton of Sullivan, MacDonald of Boothbay, Mazurek of Rockland, McDonough of Scarborough
NAYS		0	

ABSENT 6 Rep. Adams of Portland, Rep. Cressey of Cornish, Rep. Emery of Cutler, Rep. Fletcher of Winslow, Rep. Pendleton of Scarborough, Sen. Snowe-Mello of Androscoggin

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 Alton E. West of Milbridge, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,
S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

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

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#68)

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: EDMONDS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Alton E. West** of Milbridge, for reappointment to the Marine Resources Advisory Council 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. 302

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

May 16, 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 Marine Resources has had under consideration the nomination of Dana E. Temple of Cape Elizabeth, for reappointment to the Marine Resources Advisory Council.

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	Damon of Hancock, Dow of Lincoln
	Representatives	6	Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Mazurek of Rockland, McDonough of Scarborough, Pendleton of Scarborough
NAYS		0	
ABSENT		5	Rep. Cressey of Cornish, Rep. Emery of Cutler, Rep. Fletcher of Winslow, Rep. MacDonald of Boothbay, Sen. Snowe-Mello of Androscoggin

Eight 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 Dana E. Temple of Cape Elizabeth, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#69)

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: EDMONDS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Dana E. Temple** of Cape Elizabeth, for reappointment to the Marine Resources Advisory Council 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. 303

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

May 16, 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 Marine Resources has had under consideration the nomination of George S. Harris, Jr. of Eastport, for appointment to the Marine Resources Advisory Council.

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	Damon of Hancock, Dow of Lincoln
	Representatives	5	Adams of Portland, Eaton of Sullivan, Mazurek of Rockland, McDonough of Scarborough, Pendleton of Scarborough
NAYS		0	
ABSENT		6	Rep. Percy of Phippsburg, Rep. Cressey of Cornish, Rep. Emery of Cutler, Rep. Fletcher of Winslow, Rep. MacDonald of Boothbay, Sen. Snowe-Mello of Androscoggin

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 George S. Harris, Jr. of Eastport, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#70)

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: EDMONDS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **George S. Harris, Jr.** of Eastport, for appointment to the Marine Resources Advisory Council 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. 304

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

May 16, 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 Marine Resources has had under consideration the nomination of Rod B. Mitchell of Peaks Island, for reappointment to the Marine Resources Advisory Council.

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	Damon of Hancock, Dow of Lincoln
	Representatives	6	Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Mazurek of Rockland, McDonough of Scarborough, Pendleton of Scarborough
NAYS		0	
ABSENT		5	Rep. Cressey of Cornish, Rep. Emery of Cutler, Rep. Fletcher of Winslow, Rep. MacDonald of Boothbay, Sen. Snowe-Mello of Androscoggin

Eight 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 Rod B. Mitchell of Peaks Island, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#71)

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: EDMONDS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Rod B. Mitchell** of Peaks Island, for reappointment to the Marine Resources Advisory Council 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. 305

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

May 16, 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 State and Local Government has had under consideration the nomination of Elaine L. Clark of Orono, for reappointment to the Maine Governmental Facilities Authority.

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	Schneider of Penobscot, Benoit of Sagadahoc, Brannigan of Cumberland
	Representatives	10	Barstow of Gorham, Beaudette of Biddeford, Boland of Sanford, Cotta of China, Curtis of Madison, Hayes of Buckfield, Joy of Crystal, Schatz of Blue Hill, Sirois of Turner, Weaver of York

NAYS 0

ABSENT 0

Thirteen 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 Elaine L. Clark of Orono, for reappointment to the Maine Governmental Facilities Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#72)

YEAS: Senators: None

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

EXCUSED: Senator: EDMONDS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **Elaine L. Clark** of Orono, for reappointment to the Maine Governmental Facilities Authority 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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1345

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources shall report out, to the House, legislation to assist in the cleanup of waste motor oil disposal sites.

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

READ and **PASSED**, in concurrence.

Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate on the Record.

Senator **GOOLEY**: Thank you, Madame President. Earlier I wanted to make reference to items 1-6 and 1-8. They are regarding two people in Franklin County who are very involved in music. One is Bea Milewski of Strong. The other is Stan Harnden of Wilton, who was the director of the Old Crow Band in Farmington for many years. He just recently passed away. The family is probably the best known for their music in Western Maine. They have been instrumental in the Old Crow Indian Band, which I happen to have played in the last 20 years or more. I just wanted to make reference to those losses. Those are great losses for us in Western Maine. Thank you very much.

Off Record Remarks

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **MARTIN** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 22, 2007, at 10:00 in the morning.