

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

In Senate Chamber
Tuesday
May 22, 2007

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

Prayer by Reverend Kyung-hee Sa, of Wayne United Methodist Church in Winthrop.

REVEREND KYUNG-HEE SA: Recently I read an interesting article in the New York Times under the headline of 'Understanding Empathy: Can You Feel My Pain?' It was written by Richard Friedman, the director of the psychopharmacology clinic at the Weill Medical Center of Cornell University. He writes about a married woman in her 20's who had tearfully described her symptoms of depression and asked him, 'How can you understand or help me if you had not personally experienced my pain?' He admits that he is a cheerful guy who had never experienced clinical depression but has successfully treated many severely depressed patients. As a psychiatrist he had met many patients who made requests for a specific type of therapist; African-Americans who wants a Black therapist, Orthodox Jews who insists on having a Jewish psychiatrist, a woman who wants a feminist therapist, a gay man who wants a gay therapist saying, 'I can't take the chance of getting a homophobic shrink', and an elderly woman who had lost her husband to cancer and said to the doctor, 'No offence, but I need someone who is a bit older.' This led me to realize that I had never had a male gynecologist in my life. Friedman found that many patients are looking for understanding of what empathy is all about. He insists that what is critical to understanding someone is not necessarily having his or her experience but it is being able to imagine what it would be like to have it. You don't have to be black to empathize with the toxic effects of racial prejudice or to be a woman to know what it would be like to be denied promotion on the basis of sex. I want to share his pithy powerful conclusion about empathy and how it has a tremendous positive therapeutic force. He writes, 'I remember a patient who once stormed into my office and demanded a white therapist to replace his therapist who was Black. That's a request I turned down, even knowing that this patient's biased beliefs were an appropriate target for treatment. To do otherwise would have vindicated his prejudice and fundamentally compromised the therapy from the start. In the end, empathy is what makes it possible for us to read each other and it is the reason your doctor can understand your problem without actually having to live it.' So the question for us is can you and I feel the pain of others? Let empathy abound. Please join me in a prayer.

Our Creator and our spiritual doctor, every day we face our brokenness in this broken world in the midst of life's tragedies and challenges. We mourn. We feel the pain of the suffering in every corner of the world: the poor in America; those suffering and being killed in Sudan and Iraq; those being starved in North Korea where only one single dollar is sufficient to feed a child with three

meals; and those in pain for all kinds of insidious prejudices and discriminations. We ask Your healing power and Your help for us to claim one of our most primal faculties that You have given to us, the ability to understand that things that cause us pain or fear would do the same to others and that we therefore ought not do them. Lead to go extra miles to take responsibility of human suffering in a way to make a difference in our broken world, not with cynicism or mistrust but with empathy and love from You. Amen.

Pledge of Allegiance led by Senator Peter Mills of Somerset County.

Reading of the Journal of Thursday, May 17, 2007.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"

S.P. 78 L.D. 241
(C "A" S-47)

In Senate, May 16, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-47).**

Comes from the House, the Majority **OUGHT NOT TO PASS** Report from the Committee on **TRANSPORTATION, READ and ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Address the Evaluations of Certain School Employees"

H.P. 237 L.D. 293

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-143)** (10 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-144)** (2 members)

Report "C" - **Ought Not to Pass** (1 member)

In House, May 3, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**.

In Senate, May 15, 2007, Reports **READ**. Motion by Senator **BOWMAN** of York to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143) FAILED**. On motion by Senator **MILLS** of Somerset, Report "C", **OUGHT NOT TO PASS ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **BOWMAN** of York moved the Senate **RECEDE** and **CONCUR**.

At the request of Senator **MILLS** of Somerset a Division was had. 14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **RECEDE** and **CONCUR**, **FAILED**.

Senator **MILLS** of Somerset moved the Senate **ADHERE**.

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MILLS** of Somerset to **ADHERE**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"

S.P. 212 L.D. 675

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass** (1 member)

In Senate, May 15, 2007, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program"

H.P. 1341 L.D. 1910

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

Resolve, To Authorize the State To Sell a Certain Property with Buildings Located within the City of Old Town
H.P. 1343 L.D. 1911

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Joint Order

The following Joint Order:

H.P. 1342

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall report out, to the House, legislation to revise motor fuel taxation.

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

READ.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 711

STATE OF MAINE
123RD MAINE LEGISLATURE

May 17, 2007

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

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Jeremy Fischer
House Chair

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

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has withdrawn his nomination of Valerie Osborne for appointment to the Maine Community College System Board of Trustees, pursuant to Title 3 M.R.S.A. § 154.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

The Following Communication: S.C. 308

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

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

May 16, 2007

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

Dear President Edmonds and Speaker Cummings:

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

The Following Communication: S.C. 307

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

May 16, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1179 An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities
- L.D. 1309 An Act To Provide Equity in Funding for Women's Health Services
- L.D. 1775 An Act To Ensure Safe Drinking Water from Private Wells
- L.D. 1782 Resolve, To Clarify the Rules of Reimbursement for Personnel Working in Homes Providing Services to Persons with Brain Injuries

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

L.D. 58 An Act To Ensure State Budget Funding for Wastewater Treatment Facilities and Water Supply Facilities

L.D. 119 An Act To Increase Funding for Private Nonmedical Institutions

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 309

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

May 16, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 117 An Act To Prohibit Hunting at Range Ponds State Park
- L.D. 571 An Act To Protect Beef Producers
- L.D. 1133 Resolve, To Establish the William Silliker Memorial Wildlife Watching Area

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Troy D. Jackson
House Chair

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

The Following Communication: S.C. 310

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

May 16, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 401 An Act To Protect the Integrity of Funeral Processions
- L.D. 667 An Act To Modify the Motor Vehicle Insurance Cancellation Notification Law
- L.D. 897 An Act Relating to Trains and Train Service in the State (EMERGENCY)
- L.D. 1337 Resolve, To Assist in Appropriate Notification in an Emergency
- L.D. 1709 Resolve, To Establish a Pilot Project for the Enforcement of Laws Regarding Traffic Control Devices (EMERGENCY)

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 311

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

May 16, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1143 An Act To Prevent the Public Utilities Commission from Disclosing Private Information to the Federal Government
- L.D. 1573 An Act To Encourage and Facilitate Regional Utility Districts

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

SENATE PAPERS

Bill "An Act Regarding All-terrain Vehicle Registration"
S.P. 712 L.D. 1912

Sponsored by Senator BRYANT of Oxford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Bad Check Enforcement Programs Operated by Private Entities"

H.P. 1038 L.D. 1476

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 **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1277 L.D. 1830

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 Concerning Harness Racing Association Funding"

H.P. 991 L.D. 1408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-243).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243).**

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

READ ONCE.

Committee Amendment "A" (H-243) **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 Realize!Maine To Attract and Retain Young People in the State's Workforce"
H.P. 571 L.D. 750

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-247).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247).**

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

READ ONCE.

Committee Amendment "A" (H-247) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases"
H.P. 69 L.D. 71

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-248).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248).**

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

READ ONCE.

Committee Amendment "A" (H-248) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities
H.P. 501 L.D. 652

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-237).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237).**

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

READ ONCE.

Committee Amendment "A" (H-237) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address the Funding Needs of Air and Ground Emergency Medical Services"
H.P. 737 L.D. 977

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249).**

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

READ ONCE.

Committee Amendment "A" (H-249) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Increase Fairness in Medical Payments
H.P. 823 L.D. 1130

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-250).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250).**

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

READ ONCE.

Committee Amendment "A" (H-250) **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 an Apprenticeship Hunter License Program" H.P. 370 L.D. 486

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-238)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238)**.

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

READ ONCE.

Committee Amendment "A" (H-238) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance" H.P. 1036 L.D. 1474

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-236)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)**.

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

READ ONCE.

Committee Amendment "A" (H-236) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Place Land in Centerville in Trust" H.P. 71 L.D. 73

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**.

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

READ ONCE.

Committee Amendment "A" (H-239) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act" H.P. 86 L.D. 94

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-240)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240)**.

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

READ ONCE.

Committee Amendment "A" (H-240) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Place Land in Township 21 in Trust" H.P. 151 L.D. 169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-241)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

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

READ ONCE.

Committee Amendment "A" (H-241) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.

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

READ ONCE.

Committee Amendment "A" (H-242) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Make Technical Changes to Maine's Aquaculture Statutes"
H.P. 992 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

READ ONCE.

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission"
H.P. 592 L.D. 774

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-252)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**.

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

READ ONCE.

Committee Amendment "A" (H-252) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Water Level Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 728 L.D. 968

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-253)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)**.

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

Committee Amendment "A" (H-253) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring"

H.P. 1285 L.D. 1845

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-254)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**.

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

READ ONCE.

Committee Amendment "A" (H-254) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation to Expend Funds for Ocean Commerce in Casco Bay (EMERGENCY)

H.P. 847 L.D. 1154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-244)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**.

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

READ ONCE.

Committee Amendment "A" (H-244) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature"
H.P. 930 L.D. 1322

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
BEAUDETTE of Biddeford
SIROIS of Turner
HAYES of Buckfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-263)**.

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York
CURTIS of Madison
JOY of Crystal
COTTA of China
SCHATZ of Blue Hill

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

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report, in concurrence.

Divided Report

Six Members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Improve Landowner Relations
H.P. 1151 L.D. 1642

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-233)**

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot

Representatives:

FINCH of Fairfield
WHEELER of Kittery
BRYANT of Windham
EBERLE of South Portland

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

GOOLEY of Franklin

Representatives:

SAVIELLO of Wilton
McLEOD of Lee
JACKSON of Allagash
RICHARDSON of Carmel
LUNDEEN of Mars Hill

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Licensure as a Master Well Driller or a Master Pump Installer" (EMERGENCY)

S.P. 367 L.D. 1115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127)**.

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

READ ONCE.

Committee Amendment "A" (S-127) **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 Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services and Mental Health Managed Care"

S.P. 370 L.D. 1118

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126)**.

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

READ ONCE.

Committee Amendment "A" (S-126) **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 Ensure Consistency in Patient Care in Nursing Homes"

S.P. 456 L.D. 1308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-120)**.

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

READ ONCE.

Committee Amendment "A" (S-120) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Authorize the Use of Timber Harvesting Revenues for Land Management"

S.P. 652 L.D. 1834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-123)**.

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

READ ONCE.

Committee Amendment "A" (S-123) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services" (EMERGENCY)

S.P. 315 L.D. 998

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-124)**.

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

READ ONCE.

Committee Amendment "A" (S-124) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Amend the Unemployment Laws"

S.P. 332 L.D. 1015

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-122)**.

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

READ ONCE.

Committee Amendment "A" (S-122) **READ** and **ADOPTED**.
ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create the Energy Independence Act" (EMERGENCY)

S.P. 447 L.D. 1284

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-125).**

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

READ ONCE.

Committee Amendment "A" (S-125) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Amend the Family Medical Leave Laws"

S.P. 119 L.D. 375

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-121).**

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York
DOW of Lincoln

Representatives:

TUTTLE of Sanford
HASKELL of Portland
DUPREY of Hampden
JACKSON of Allagash
BURNS of Berwick
DRISCOLL of Westbrook

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

Signed:

Representatives:

CLARK of Millinocket
THOMAS of Ripley
SYKES of Harrison

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

SECOND READERS

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

House

Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth

H.P. 412 L.D. 534

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

Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians"

H.P. 986 L.D. 1403

READ A SECOND TIME.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act To Establish a Lifetime Tribal License"

H.P. 49 L.D. 51
(C "A" H-228)

Bill "An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament"

H.P. 622 L.D. 825
(C "A" H-230)

Bill "An Act To Support the Maine Patent Program"

H.P. 632 L.D. 833
(C "A" H-225)

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
(C "A" H-222)

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

H.P. 699 L.D. 924
(C "A" H-227)

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

H.P. 724 L.D. 964
(C "A" H-223)

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
(C "A" H-219)

Bill "An Act Concerning the Taking of Nuisance Animals"

H.P. 979 L.D. 1387
(C "A" H-229)

Bill "An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service"

H.P. 1022 L.D. 1452
(C "A" H-235)

Bill "An Act To Clarify and Update the Laws Related to Health Insurance"

H.P. 1053 L.D. 1503
(C "A" H-234)

Bill "An Act To Fund a Southern Maine Regional Applied Technology Center in Sanford"

H.P. 1057 L.D. 1532
(C "A" H-224)

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

Resolve, To Modify the 2007 Elver Fishing Season (EMERGENCY)

H.P. 1316 L.D. 1883
(C "A" H-221)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities"

S.P. 112 L.D. 339
(C "A" S-117)

Bill "An Act To Improve the Historic Preservation Tax Credit"

S.P. 259 L.D. 816
(C "A" S-115)

Bill "An Act Concerning the Practice of a Deceased or Incapacitated Dentist"

S.P. 382 L.D. 1194
(C "A" S-118)

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

Sent down for concurrence.

Bill "An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State"

S.P. 159 L.D. 472
(C "A" S-116)

READ A SECOND TIME.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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
(C "A" S-119)

READ A SECOND TIME.

On motion by Senator **BRANNIGAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

ENACTORS

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

Emergency Measure

An Act To Protect the Public from Dangerous Dogs

S.P. 124 L.D. 380
(C "A" S-91)

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

Emergency Measure

An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws

S.P. 579 L.D. 1674
(C "A" S-83)

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

Emergency Resolve

Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine
 H.P. 963 L.D. 1371
 (C "A" H-201)

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Acts

An Act To Facilitate the Establishment of Tribal Electric Utility Districts
 H.P. 200 L.D. 229
 (C "A" H-184)

An Act To Improve Juvenile Justice
 H.P. 293 L.D. 363
 (C "A" H-186)

An Act To Establish the Fee for Commercial Inspections for Farm Trucks
 H.P. 402 L.D. 524
 (C "A" H-183)

An Act Concerning the Examination of Persons in Protective Custody
 S.P. 218 L.D. 681

An Act To Ensure Truth in Music Advertising
 H.P. 517 L.D. 686
 (C "A" H-198)

An Act To Make Part 1 of the Maine Criminal Code Gender-neutral
 H.P. 726 L.D. 966
 (C "A" H-187)

An Act Concerning the Supervision of Nursing Support Staff
 H.P. 741 L.D. 981

An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws
 H.P. 806 L.D. 1088
 (C "A" H-199)

An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply
 S.P. 393 L.D. 1205

An Act To Amend the Solid Waste Management Laws
 S.P. 461 L.D. 1313
 (C "A" S-96)

An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass
 H.P. 1049 L.D. 1487
 (C "A" H-193)

An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees
 S.P. 527 L.D. 1500

An Act To Clarify and Update the Laws Related to Property and Casualty Insurance
 H.P. 1052 L.D. 1502

An Act To Ensure the Proper Management of the Sea Urchin Industry
 H.P. 1117 L.D. 1595
 (C "A" H-191)

An Act To Strengthen the Authority of Concealed Weapons Permits
 H.P. 1211 L.D. 1728
 (C "A" H-188)

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

An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime
 S.P. 95 L.D. 280
 (C "A" S-98)

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

An Act To Recapitalize the Municipal Investment Trust Fund
 S.P. 358 L.D. 1106
 (C "A" S-95)

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

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
 (C "A" H-192)

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

An Act To Establish a Special Veterans License Plate for Motorcycles

H.P. 199 L.D. 228
(C "A" H-189)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Resolves

Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan

S.P. 214 L.D. 677
(C "A" S-94)

Resolve, To Create an Effective Deer Habitat Enhancement and Coyote Control Program

H.P. 620 L.D. 823
(C "A" H-190)

Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits, Fraud and Total Costs under Maine's Bottle Bill

H.P. 895 L.D. 1267
(C "A" H-195)

Resolve, To Promote High-quality Before-school and After-school Programs

H.P. 961 L.D. 1369
(C "A" H-200)

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

Resolve, To Promote Alternative Schools within Existing School Systems

H.P. 1224 L.D. 1758
(C "A" H-194)

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, 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:

COMMUNICATIONS

The Following Communication: S.C. 312

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 21, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 118 An Act To Provide Funding for the Drinking Water Program (EMERGENCY)
- L.D. 1199 An Act To Resolve Unfunded State Mandates
- L.D. 1526 An Act To Enhance Family Development Accounts

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Jeremy Fischer
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 313

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

May 21, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 355 Resolve, To Establish a Committee To Examine Issues Relating to the Administration and Distribution of Municipal Revenue Sharing (EMERGENCY)
- L.D. 402 An Act To Clarify the Application of the Real Estate Transfer Tax with Regard to Partial Sales of Corporations That Own Real Estate
- L.D. 600 An Act To Improve Revenue Sharing
- L.D. 639 An Act To Clarify the Application of the Real Estate Transfer Tax in Regards to Section 1031 Exchanges
- L.D. 1001 An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers
- L.D. 1112 An Act To Exempt from Maine Taxes Wine Shipped to Other States
- L.D. 1181 An Act To Reclassify Certain Tobacco Products
- L.D. 1192 An Act To Adjust Revenue Sharing Proportions for Education
- L.D. 1357 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
- L.D. 1358 Resolve, To Study the Distribution of Revenue Sharing
- L.D. 1375 An Act To Equalize the Taxation of Noncigarette Tobacco Products
- L.D. 1518 An Act To Establish a Renewable Energy Tax Credit
- L.D. 1710 An Act To Promote Fairness in Municipal Foreclosure Procedures

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. John F. Piotti
House Chair

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

Off Record Remarks

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

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

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"

S.P. 212 L.D. 675

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass** (1 member)

Tabled - May 22, 2007, by Senator **MARTIN** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In Senate, May 15, 2007, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.)

(In House, May 17, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **SULLIVAN** of York, the Senate **INSISTED**.

Sent down for concurrence.

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

Bill "An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program"

H.P. 1341 L.D. 1910

Tabled - May 22, 2007, by Senator **DIAMOND** of Cumberland

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

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

(In House, May 17, 2007, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Improve Landowner Relations

H.P. 1151 L.D. 1642

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-233)** (6 members)

Report "B" - **Ought Not to Pass** (6 members)

Tabled - May 22, 2007, by Senator **BRYANT** of Oxford

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in concurrence

(In House, May 17, 2007, Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**.)

(In Senate, May 22, 2007, Reports **READ**.)

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

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

Senator **GOOLEY:** Thank you, Madame President. I wish to speak on this particular LD briefly just to say that the reason that some of us are on the Ought Not to Pass Report conclude that there is a fiscal note attached to this is a General Fund fiscal note of \$72,000 for the biennium. Other than that, I had a couple of other thoughts that I wanted to express. There is a need for better landowner relations. There is no doubt about that because as more land becomes posted in Maine there is a need. The law enforcement wardens are in the law enforcement business and landowner relations is important. The Inland Fisheries and Wildlife Department testified neither for nor against. What they said is that it is no longer realistic to expect the law enforcement bureau in one state agency to handle broad public access issues that treads in different departments' missions and goals. That probably says it in a nutshell. You have to vote your conscience. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. The committee did work on this bill. The committee did take the position that there is no way that the resources of Inland Fisheries and Wildlife is going to solve the landowner relation problems for the State of Maine. We changed the Resolve to include the Department of Conservation, the DEP, Forestry, and all of those people that this person would be working with to get a broader view of the landowner relations problem that we have in the State of Maine. It was the committee's wish that we'd have this vehicle go to Appropriations. If it measured up in Appropriations with all the other problems that are in the State of Maine and if, within their wisdom, they could find opportunities to fund this then they would do so. I would just remind all our members that probably every group in the State of Maine is supporting this Resolve.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. I just wanted to correct the fiscal note. The fiscal note for this biennium is approximately \$117,000, for the next biennium it is estimated to be around \$140,000.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in concurrence. (Roll Call Ordered)

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Amend the Family Medical Leave Laws"
S.P. 119 L.D. 375

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-121)** (9 members)

Minority - **Ought Not To Pass** (3 members)

Tabled - May 22, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 22, 2007, Reports **READ**.)

At the request of Senator **WESTON** of Waldo a Division was had. 28 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-121) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

All matters thus acted upon were 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 **TRANSPORTATION** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

H.P. 732 L.D. 972

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-232)** (1 member)

Tabled - May 16, 2007, by Senator **ROSEN** of Hancock

Pending - motion by Senator **DAMON** of Hancock 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 **WESTON** of Waldo, 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 NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

Off Record Remarks

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Improve Landowner Relations

H.P. 1151 L.D. 1642

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-233)** (6 members)

Report "**B**" - **Ought Not to Pass** (6 members)

Tabled - May 22, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **BRYANT** of Oxford to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED**, in concurrence (Roll Call Ordered)

(In House, May 17, 2007, Report "**A**", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**.)

(In Senate, May 22, 2007, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#73)

YEAS: Senators: BOWMAN, BRANNIGAN, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER

ABSENT: Senators: BARTLETT, BROMLEY

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-233) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, until Wednesday, May 23, 2007, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Edgar M. Wheeler of Bridgewater.