

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

In Senate Chamber
Thursday
March 6, 2008

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

Prayer by Pastor Stephen Tracey of Lakeview Orthodox
Presbyterian Church in Rockport.

PASTOR TRACEY: Thank you for your kind invitation to be here. There are times when we should examine the state of our heart. With my Irish brogue the word 'state' doesn't come very easily. Neither does the word 'Maine'. The State of Maine. I thought I should take some elocution lessons. The rain in Maine falls mainly as snow.

There are times when we should examine the state of our heart. In the bible Jesus once said, 'Do not lay up for yourselves treasures on earth, where moth and rust destroy and where thieves break in and steal, but lay up for yourselves treasures in heaven, where neither moth nor rust destroys and where thieves do no break in and steal, for where your treasure is, there your heart will be also.

We all seek treasure. The treasure that we seek will control our heart and what controls our heart will control our behavior. Let us pray.

Oh Lord God, we know that to everything there is a season and a time to every purpose under heaven. A time to be born and a time to die. A time to plant and a time to pluck up that which is planted. A time to kill and a time to heal. A time to break down and a time to build up. A time to weep and a time to laugh. A time to mourn and a time to dance. A time to cast away stones and a time to gather stones together. A time to embrace and a time to refrain from embracing. A time to get and a time to lose. A time to keep and a time to cast away. A time to rend and at time to sew. A time to keep silence and a time to speak. A time to love and a time to hate. A time of war and a time of peace.

Oh Lord God, grant to us grace this day to understand the times. Grant wisdom, we pray, this day to the Senators as they work, as they think, as they discuss, as they decide, and as they lead. Grant to us Your grace to examine ourselves, to see the logs in our own eyes before we look for the specks in the eyes of others. Forgive us, oh Lord God, for being far too easily pleased and fooling around with fame or fortune and neglecting the state of our heart and our soul. Help us this day to turn to You. Fill us with Your joy and Your pleasure. This we pray in the name of Jesus Christ. Amen.

Reading of the Journal of Wednesday, March 5, 2008.

Doctor of the day, Richard Flowerdew, MD of Falmouth.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to recalling L.D. 529 from the Legislative Files to the House

H.P. 1386

In House, January 2, 2008, **READ** and **PASSED**.

In Senate, March 4, 2008, **READ** and **FAILED PASSAGE**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **ADHERED**.

Non-Concurrent Matter

SENATE COMMUNICATION - to the Joint Standing Committee on Inland Fisheries and Wildlife, Governor's nomination of Richard Ruhlin of Brewer for reappointment to the Atlantic Salmon Commission

S.P. 868

In Senate, March 4, 2008, **READ** and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Comes from the House, **READ** and **RULED NOT PROPERLY BEFORE THE BODY**.

THE CHAIR RULED THE COMMUNICATION NOT PROPERLY BEFORE THE BODY.

House Papers

Bill "An Act To Continue Maine's Leadership in Covering the Uninsured"

H.P. 1608 L.D. 2247

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

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

YEAS	Senators	2	Brannigan of Cumberland, Raye of Washington
	Representatives	9	Perry of Calais, Beaudoin of Biddeford, Campbell of Newfield, Connor of Kennebunk, Finley of Skowhegan, Grose of Woolwich, Lewin of Eliot, Miller of Somerville, Walker of Lincolnville
NAYS		0	
ABSENT		3	Sen. Marraché of Kennebec, Rep. Soctomah of Passamaquoddy Tribe

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors"
H.P. 1609 L.D. 2248

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

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

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointments of Joshua Cutler, MD of South Portland, Nona Boyink of Mt. Vernon, Lani Graham, MD of Portland and Arthur Blank of Bar Harbor to the Advisory Council on Health Systems Development be approved.

Signed,

S/Joseph C. Brannigan
Senate Chair

S/Anne C. Perry
House Chair

COMMUNICATIONS

The Following Communication: S.C. 657

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

February 14, 2008

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

Dear Madame President and Mr. Speaker:

In accordance with 2 M.R.S.A., Section 104, Subsection 1, the Joint Standing Committee on Health and Human Services has had under consideration the reappointments of Joshua Cutler, MD of South Portland, Nona Boyink of Mt. Vernon, Lani Graham, MD of Portland and Arthur Blank of Bar Harbor to the Advisory Council on Health Systems Development.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 656

**STATE OF MAINE
COMMITTEE TO STUDY THE PRISON INDUSTRIES
PROGRAM**

February 26, 2008

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable Glenn Cummings, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to House Paper 1334, the Committee to Study the Prison Industries Program is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Bill Diamond
Senate Chair

S/Representative Stan Gerzofsky
House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service"

H.P. 1599 L.D. 2238

Reported that the same **Ought to Pass**, pursuant to Public Law 2007, chapter 226, section 3.

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 **UTILITIES AND ENERGY** on Bill "An Act To Extend the ConnectME Authority"

H.P. 1607 L.D. 2246

Reported that the same **Ought to Pass**, pursuant to Public Law 2005, chapter 665, section 7.

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.

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

H.P. 1564 L.D. 2194

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.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. (EMERGENCY)

H.P. 1578 L.D. 2211

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.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 1536 L.D. 2162

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters" (EMERGENCY)

H.P. 1467 L.D. 2081

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-704)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704)**.

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

READ ONCE.

Committee Amendment "A" (H-704) **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 Implement the Recommendations of the Committee To Study the Prison Industries Program" (EMERGENCY)

H.P. 1499 L.D. 2113

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-705)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705)**.

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

READ ONCE.

Committee Amendment "A" (H-705) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error (EMERGENCY)

H.P. 1410 L.D. 2026

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-702)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702)**.

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

READ ONCE.

Committee Amendment "A" (H-702) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1521 L.D. 2141

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-693)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**.

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

READ ONCE.

Committee Amendment "A" (H-693) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Public Works Contractors' Surety Bond Law of 1971"

H.P. 1478 L.D. 2092

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-696)**.

Signed:

Senators:
SULLIVAN of York
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Hallowell
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
McKANE of Newcastle
PRIEST of Brunswick

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

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-696)**.

Reports **READ**.

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

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. I rise today in opposition to L.D. 2029. This bill simultaneously punishes those contractors with whom the State has had a strong business relationship and rewards businesses that have struggled to compete. Raising the bond contractors have to pay to work on State projects from \$100,000 to \$125,000 makes it more difficult for businesses who have a proven record of good work to get public contracts. Getting a bond from a contractor is good business practice to help insure State projects come in under budget and on time. The financial incentive of a \$100,000 is enough for contractors to work hard to meet their bids. Raising it an additional \$25,000 lifts the bond amount above Federal guidelines and will only discourage good contractors from making bids. Offering a letter of credit to contractors who cannot come up with a bond enables companies that are not able or experienced enough to make the contract to be rewarded the job. Companies that can make the bond are companies with the capital to do so. This means that they are larger companies with the means to actually meet the contract they are awarded. A small contractor may be a good contractor but he doesn't have the capital or the means to compete on a large-scale project. By offering a letter of credit you enable the small contractor to make bids but you have done nothing to help them meet the demands of a large project. It doesn't matter if they have the best bid if they don't have the workforce to meet the contract. Furthermore, if they can't meet their contract how will the State recoup any money since the bond was a credit? The contractors who compete under the current system do so

because they have the capital and the human resources to be successful. Introducing a welfare program for the smaller contractors who do not have the capital or human resources won't help the small contractors and will cost the State money. That is the bottom line. There is nothing wrong with the system we currently have. It works. Making it harder for contractors that are able to compete for work while at the same time offering credit to those without the resources to do the work will cost the State money. The bottom line is that it will cost the taxpayers. Thank you very much.

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 **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Off Record Remarks

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Insurance Coverage for Colorectal Cancer Early Detection"

H.P. 1495 L.D. 2109

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-697)**.

Signed:

Senators:

SULLIVAN of York
BOWMAN of York
SNOWE-MELLO of Androscoggin

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Hallowell
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

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-697)**.

Reports **READ**.

On motion by Senator **SULLIVAN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**.

Committee Amendment "A" (H-697) **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 Amend the Conflict of Interest Laws for Notaries Public"

H.P. 1441 L.D. 2057

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-707)**.

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
HAYES of Buckfield
COTTA of China
SCHATZ of Blue Hill

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

Signed:

Representatives:

CURTIS of Madison
JOY of Crystal

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-707)**.

Reports **READ**.

Senator **SCHNEIDER** of Penobscot 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 **SCHNEIDER** of Penobscot 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 Designate Certain Rules of the Bureau of State Police as Major Substantive Rules"

H.P. 1406 L.D. 2022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-701)**.

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
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 Not To Pass**.

Signed:

Representative:

MARLEY of Portland

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-701)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-701) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide a Rebate for Clean Energy Geothermal Heating Units"

H.P. 1376 L.D. 1942

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-706)**.

Signed:

Senators:

BARTLETT of Cumberland
SMITH of Piscataquis
HOBBINS of York

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
ADAMS of Portland
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland
BLISS of South Portland
BLANCHARD of Old Town

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

Signed:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison

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-706)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-706) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Provisions for All-terrain Vehicles"

S.P. 773 L.D. 1979

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-443)**.

Signed:

Senators:

BRYANT of Oxford
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
FINCH of Fairfield
EBERLE of South Portland
RICHARDSON of Carmel
WHEELER of Kittery
LUNDEEN of Mars Hill
BRIGGS of Mexico

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

Signed:

Representatives:

McLEOD of Lee
SARTY of Denmark

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-443) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 As Amended

Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State

H.P. 1519 L.D. 2139
(C "A" H-698)

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

Senate As Amended

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

S.P. 735 L.D. 1930
(C "A" S-441)

Bill "An Act To Amend the Laws Governing Agricultural Marketing and Bargaining"

S.P. 786 L.D. 1992
(C "A" S-442)

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

Sent down for concurrence.

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

ORDERS

Joint Order

Out of order and under suspension of the Rules, on motion by Senator **BROMLEY** of Cumberland, the following Joint Order:
S.P. 873

ORDERED, the House concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the Senate, a bill regarding the attraction of venture capital for innovative businesses in this State.

READ and **PASSED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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.

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:10 in the morning.

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:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Public Works Contractors' Surety Bond Law of 1971"
H.P. 1478 L.D. 2092

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-696)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - March 6, 2008, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, March 5, 2008, 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-696)**.)

(In Senate, March 6, 2008, Reports **READ**.)

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

Senator **SULLIVAN:** Thank you, Madame President. This was a bill that came before the Insurance and Financial Services Committee. It was called 'An Act to Amend the Public Works Contractors' Surety Bond Law of 1971'. It had the support of the Maine Municipal Association. The original bill asked that the surety bond on public works contractors would go from the \$100,000 to \$250,000. It was the belief of the committee that this was too much of a jump even though it had been over a decade since it had been raised. Certainly what \$100,000 used to buy it doesn't buy now. I only know about that from a lesser amount. I'm assuming it multiplies as it goes higher. It also asks that you could use a letter of credit. There was a lively discussion. It was amended down to be \$125,000. It went up \$25,000, which is not even the cost of inflation over the years. It continued to carry the support of the Maine Municipal Association and they were especially pleased that they would be able to use a letter of credit, which is a somewhat easier way. The municipality could decide if a letter of credit would allow them the flexibility. If they thought somebody was shaky or something they could demand a surety bond. A letter of credit would also work and it would open it up more. I would still ask for your support for the Ought to Pass as Amended Report. It goes from \$100,000 to \$125,000 and allows the letter of credit to be used instead of a surety bond if the municipality decides that it is acceptable to the municipality.

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. Let me tell you who was opposed to this bill. The Surety and Fidelity Association of America, Maine's Contractors, and the American Insurance Association spoke very strongly against this. At this time it is not a good idea to do this. I usually will not go against my committee. I honor and respect my fellow colleagues. I felt this is not good sound fiscal policy. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. There may be some Maine contractors that are against this but I know there are some that are in favor as well. We have some history in the BRED Committee on working with issues such as this. We passed a bill a couple of sessions ago requiring a bond for payroll processors. As you remember, there had been some huge problems with business practices with some of them. What happened the following year is that some smaller payroll processors came back to us and said, 'We're having trouble getting this bond.' We added the language 'or a letter of credit' to really support smaller players that have the financial capacity to run their business appropriately. That's worked very well for small businesses. I would say that this is a very pro-small business bill that we have before us and would urge your support.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#288)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, COURTNEY, DAMON, DIAMOND, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, DOW, GOOLEY, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SMITH, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senators: BRYANT, SHERMAN

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-696) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Conflict of Interest Laws for Notaries Public"

H.P. 1441 L.D. 2057

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-707)** (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - March 6, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 5, 2008, 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-707).**)

(In Senate, March 6, 2008, Reports **READ.**)

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. I hope that some of you had the opportunity to take a look at this. I know the committee tried hard to come together with a bill that would make some sense when dealing with notary publics. I do think that there is an issue with conflict but we should not get at it in the way in which we tried by listing everyone in the world to whom you cannot be a notary.

On motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/28/08) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Informed Growth Act"

S.P. 756 L.D. 1962

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-436)** (6 members)

Tabled - February 28, 2008, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, February 28, 2008, Reports **READ.**)

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

Senator **HASTINGS:** Thank you, Madame President and members of the Senate. I rise to urge the members to vote against the pending motion and support the bill as it was originally written as the substitution for either report. The motion before us is Ought Not to Pass on this bill. In the way of background, I think we all remember the Informed Growth Act that passed last spring which requires, as part of the planning process, large scale retail developments, those over 75,000 square feet, the developer will

pay a \$40,000 fee to the Maine State Planning Office and an economic impact study will be done for the proposed project. That would then be submitted to the planning board or whatever board is dealing with the approval. If the board finds a negative economic impact, it may not grant the land use permit. The factors that are enumerated that would create a negative economic impact include not so much the traditional items with the traditional impact but include issues with traffic, infrastructure, water, sewer, roads, and those types of things. A negative impact is defined as one that impacts existing businesses, or if it takes business from existing businesses. What it says is it's a negative impact to compete against an existing business. The purpose of this is preserving Main Street, which we all feel is important, but what defines a negative is if you impact existing businesses. This is somewhat of a schizophrenic thing, if you take a TIF. I believe is deemed under the Informed Growth Act as a negative, whereas this Legislature has enacted TIFs as tools to attract business. We're not here to debate that underlying bill, I just thought it was a bit of background.

The bill, as presented to the Committee, does a simple thing. It allows municipalities to opt-out of the provisions of the Informed Growth Act on two conditions. First, the local legislative body must vote to do so. That would be the town meeting, the town council, or the city council. Second, that vote must then be confirmed by a referendum vote of the citizens of that municipality. What the bill is about is local control. The concept of local control under home rule is an honored tradition here in Maine. I believe that the Legislature should respect the right of self-determination in municipalities. I think we all know how difficult it can be to create a one-size-fits-all regulation for land use control. The tradition in Maine has been, and should be, that the State assist towns in managing development within their borders but leaves the final decision to the local communities. There may be many towns, and I suspect there are, who do not have the sophisticated planning tools that some of our service center communities have. They may well want to keep the act in place in their town. I also believe that there are many of our service center communities that feel quite comfortable and they already have the planning processes in place to manage large scale retail development. They fully understand the impact of large scale retail development and don't really feel they need this study.

At the Public Hearing we heard from the Maine Municipal Association. They believe, it's their opinion, that municipalities should be able to opt-out of this law. They believe that towns have a better understanding of their own growth than we do here in Augusta. We heard from the Coalition of Service Center Communities. They, in turn, believe that they have more than sufficient controls in place to manage their own growth, and their concern is that this creates an unnecessary roadblock in attracting the businesses that those particular communities really want in their communities. They really want to attract them. We heard from a respected municipal attorney, Mr. Webber. You have a copy of an editorial that he had written on your desk. We heard the problems that he feels that this act has posed for communities because of its anti-competitive structure. It's his opinion, and he's told his municipal clients, that the U.S. Constitution, the commerce clause, does not allow us to use our planning process to impede for the sole purpose of preventing competition. He's telling his municipalities that they face a dilemma. They may be enforcing a unconstitutional law. We don't know that though.

I'm really not concerned about the \$40,000 fee. I think large scale retail development should pay for the necessary impact studies. I'm not concerned about that. I'm not trying to save them money. I am trying to allow the economic development we need, and want in Maine, in those communities that are prepared for it to go forward without additional roadblocks. We all hear, at least antidotal, evidence that Maine has a difficult regulatory climate. We don't need to make that more difficult unnecessarily. For all these reasons, I urge you to vote against the pending motion and support the bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. I'm going to urge my good colleagues to support the pending motion for the very reason that if you don't you will essentially be gutting the original intent of the bill, which is to offer citizens an opportunity for additional information on development that will come forward to their communities. This piece of legislation is an important piece of legislation to insure communities get a full vetting of what kinds of development will be coming forward and how that will impact their futures. This is a critical piece of legislation, I believe, which is absolutely in no way unfriendly to business. It's about offering additional information. This bill will prevent that additional information. It's almost as if this piece of legislation is out of fear of additional information. I think it's very critical that we offer that time for a thorough vetting and a full understanding of what are the implications of development that comes to a certain town or area. I hope that you will vote in favor of the pending motion so we don't end up creating a patchwork situation of some communities who will keep the information and use it and others who will opt-out, not creating a understanding of the full complete development situation that will arise in this state. I truly believe if we had this in the past we would have seen a different sort of development and we certainly would have had a much more informed kind of development for our state. I hope you will support the pending motion. Thank you very much, Madame President.

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

Senator **HASTINGS:** Thank you, Madame President. I just want to briefly respond to two matters raised by the good Senator from Penobscot, Senator Schneider. I think this is one of the disconnects, perhaps, in the debate over this bill. The proponents are looking at this as simply providing additional information. It is additional information that can be developed, but it can't be ignored by the planning board. It becomes a part of that body of evidence with some serious ramifications behind it. That body of evidence that goes to the planning board can't be ignored. It's not just additional information. The planning board is not a legislative body like us, who can agree or disagree with whatever we hear. It has to be based on the evidence. If one of these studies determines that a new store will, in fact, impact on a local business, and another negative is that it is on a TIF, they ultimately conclude it is a negative economic impact, it will be a foolhardy planning board that would feel that they could ignore that. It's more than that. The planning boards are really judges and juries on these and they have to abide by the evidence before them.

The other thing I want to point out is since this bill has gone into effect not one person has applied to go through this process. I am very concerned that this is becoming the No Growth Act because of the concerns of the development community about the uncertainties of this law. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. The good Senator from Oxford, Senator Hastings, brings up a very good point, which is planning boards can only look at a certain body of evidence under the current law. That's my concern. If you vote against the pending motion it will open the door to a more limited body of evidence that the planning boards can look at. In fact, we had communities come forward, and there have been planning board meetings where they would like to have looked at an expanded body of evidence but they are prevented from doing so. This provides additional options for communities to look at that expanded body of evidence. If you do not support the pending motion, and this were to succeed, essentially the law, as proposed by the good Senator, would close the door to that body of evidence. As I said, it prevents communities from looking at more of a breadth of information. I think communities deserve and absolutely would like to look at more of a body of information. The fear of information is not going to create a no growth situation. I hope you will support the pending motion. Thank you.

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

Senator **DOW:** Thank you, Madame President. I remember this bill quite well from last year. I voted for it. As a matter of fact, I think I was the pivotal vote in deciding this bill. There was one weakness in the bill, however, that I disagreed with. Maybe we should quit beating around the bush. This bill was to regulate the big box stores. There is an area in the state that I feel the big box stores are welcome. That's in the larger service communities. All of the big cities that have them obviously have a plan in place for growth. I don't mind traveling to Rockland, Brunswick, Augusta, and Portland to do this. I still feel it's important to have this Growth Act protect the small towns like Damariscotta, Newcastle, and Wiscasset that don't want something like this. I always felt there was a weakness in this bill. The one weakness I couldn't get at and wished it had been changed in the beginnings of the bill. I'm going to support the Senator from Oxford, Senator Hastings, in trying to oppose the Ought Not to Pass and support the Minority Ought to Pass as Amended Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I remember this bill as well from debate last year. I'm going to be supporting the pending motion. I still feel as I did last year. This subject really can be characterized in four words; from away, going away. These stores like to sell products from away and the profit made largely goes away to another country, or at least to another state. I'm very tired of seeing these large new stores come in and then, in a few months or a year or so, the local hardware store and the local lumberyard are out of business. That local economy suffers because of it.

What really amazes me is to have the Chamber of Commerce decide not to support their local members that have been paying dues for 20 or 30 years and support the pending motion in order that they can abandon their long time members and support the new big box members. That's the position they are taking. To me, the multiplier effect in our economy is much greater on the local hardware store and the local lumberyard that are putting their profit back into the local community rather than sending it back to China, where the vast majority of these products are produced. I'm going to be supporting the pending motion. To me it is a clear way that we can say that we want to support local business. Remember the list of hundreds of local businesses that we had last year that were supporting the bill that we passed. Thank you.

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.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. As I listened to the discussion on this bill it does seem that what the Senator from Oxford, Senator Hastings, suggests allows you to have your cake and eat it too. If you are a service center community and choose to opt-out under this provision then you can do that. If you are a smaller community, as cited by the Senator from Lincoln, Senator Dow, you could choose to stay in on the laws that exist. I think the protections are afforded for those who are concerned about them. I would urge you to vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#289)

YEAS: Senators: BRANNIGAN, DAMON, HOBBS, MARRACHE, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

Senator **HASTINGS** of Oxford moved to **SUBSTITUTE** the Bill for the Reports.

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

Senator **HASTINGS:** Thank you, Madame President. I want to explain briefly what we have done here. The original bill required a referendum vote following a vote by the legislative body within the municipality. The Minority Report from the committee essentially stripped the second sentence off, which was the referendum. It was a two-sentence bill to begin with. The first sentence said it required a vote of the legislative body, and the second sentence required it be confirmed by a referendum. The Minority Report actually stripped the referendum off. I am concerned by that. The problem with the Minority Report is that this is exactly the same amendment that was presented to this Body and debated last spring. I believe, due to the concerns raised by the good Senator from Penobscot, Senator Schneider, that the referendum would be important in this case. There needs to be an opportunity for full and open debate prior to any community opting out. Maine Municipal felt the legislative body would be enough. They had somewhat the same concerns that we had. They say that the legislative body, who are the people they elected, should make the decisions and they shouldn't be putting everything out to referendum. I do believe, and for reasons raised by the Senator from Penobscot, Senator Schneider, that we do need to make sure that the decision to opt-out is truly the will of the local electorate. For those reasons, I urge you to support the pending motion, which is to adopt the bill as written, including the referendum requirement. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President and colleagues in the Senate. Although I'm glad there is a referendum, I also think it's important to note that the referendum, if communities move forward, will cost them money for that vetting. Under current law they still get to have that additional information and the planning board still gets to look at that additional information, but it doesn't cost them any money. What you are voting for is a vetting of the information with a cost that will come from making them have a referendum, and that ultimately will cost the community money. It's exactly a mandate, but in essence it is. It's sort of a back door to a mandate. Currently the law on the books, as it is, does not cost these communities and they get to look at a breadth of information that is very important. I would urge that you vote against the pending motion. Thank you very much.

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

Senator **BRANNIGAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **BRANNIGAN:** Thank you, Madame President. I wonder what is this referendum anyway? Is it going to be done at a time when the citizens of that town will be coming for a referendum or

for a vote? Will it be just a quickie that's pushed through? Could it just arise without a lot of discussion and the people really don't get a chance? I was wondering what the idea was and whether the bill requires a real referendum. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Brannigan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. The bill doesn't use the word 'quickie'. I will read the language to you; 'A vote taken at a town meeting or by a city council must be approved by the citizens at a referendum.' That's the long and the short of it. That is the answer. It does not require it to be at any particular time. It requires a referendum vote.

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

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

Senator **TURNER:** Thank you, Madame President. As a former elected municipal official I think it's fair to say that there are multiple times over a 12 month period where municipal elections are held either for a legislative primary, bond issues, and the like. I think there is ample opportunity on a 12 month calendar for municipalities to schedule such a referendum vote coincident with other things that will be coming before the voters and it could be done without additional cost. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. The good Senator from Cumberland, Senator Turner, has just reminded me of one issue, the notion that this bill will allow communities to have their cake and eat it too. In fact, I wanted to bring up something that was brought forward by the Mayor of the City of Bangor. He wrote a very lengthy letter in support of the current law. He would be in opposition to this current motion. The reason is because he felt that in the communities, even the larger cities, this information would be absolutely beneficial in their vetting of various developments. He was very much in support of this and felt that this information was important to really under what development would come. The notion of having your cake and eating it too, I don't think is accurate at all. I would hope that you would vote in opposition to the pending motion. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Hastings to Substitute the Bill for the Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#290)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MCCORMICK, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

NAYS: Senators: BRANNIGAN, BRYANT, MARRACHE, MARTIN, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **HASTINGS** of Oxford to **SUBSTITUTE** the Bill for the Reports, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

ORDERS

Joint Order

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

S.P. 874

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 10, 2008. The House will convene at 9:00 and the Senate at 10:00 in the morning.

READ and PASSED.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Monday, March 10, 2008, at 10:00 in the morning.