

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

In Senate Chamber
Wednesday
May 9, 2007

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

Prayer by Reverend Dr. Thomas Blackstone of Green Street United Methodist Church in Augusta.

REVEREND BLACKSTONE: Good afternoon. I'm told that a brief word of encouragement today might be in order. I'm not clear whether that's because the support staff feels you are in need of encouragement or if it's a matter of tradition. At least one person said you might be grumpy. You are in fact in day 38 of the Legislative session and perhaps you can already taste the coffee brewed for the late nights to come. You have been sent here to do nearly impossible work by voters who reserve the right to criticize you while you do it, many of whom would have preferred someone else to be sitting in your seat and most of whom think they could do a better job if they had the time. Such is the stress free life of a Senator. I suspect it is a day for public servants such as yourselves to take a deep breath and to renew your sense of public vocation which called you to offer yourself for service in this chamber in the first place. Deep in your recent or distant past is a quiet conversation with someone who means or meant the world to you: a spouse, a friend or mentor, a community or spiritual leader. As you saw your life through the eyes of that person you began to realize that you had the gifts, interests, and passion to serve the people of Maine in this extraordinary way. I encourage you, then, as you go about this day's business to recall that person's face, that moment in time, and to persist in making your highest hopes for our state a reality, setting aside the cynicism and discouragement that are an inevitable part of democracy in action. The business you carry out this afternoon will soon belong to history and with each pounding of the gavel you are fashioning your legacy to the next generation. May God grant that it be a legacy worthy of your life's calling; a legacy of wisdom, compassion, and bold optimism. Our children and their children, even to the seventh generation, deserve no less. Amen.

Reading of the Journal of Tuesday, May 8, 2007.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1328

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall submit, to the House, legislation to make substantive changes regarding the Maine Clean Election Act.

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

READ and **PASSED**, in concurrence.

The following Joint Order:

H.P. 1330

ORDERED, the Senate concurring, that the Commission To Study Strategies To Promote Financial Literacy is established as follows.

1. Commission To Study Strategies To Promote Financial Literacy established. The Commission To Study Strategies To Promote Financial Literacy, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 9 members: 3 Senators appointed by the President of the Senate and 6 members of the House of Representatives appointed by the Speaker of the House. The 9 members must include at least 2 members from each of the following joint standing committees: the Joint Standing Committee on Education and Cultural Affairs; the Joint Standing Committee on Judiciary; and the Joint Standing Committee on Insurance and Financial Services.

3. Participation of state agencies; interested persons. The commission may request the participation of and seek the advice and expertise of the Treasurer of State, the Attorney General and the Department of Professional and Financial Regulation in carrying out its duties. The commission shall request input from interested parties representing the interests of kindergarten to grade 12 education, adult education, higher education, financial institutions, nonprofit financial literacy education providers, employers, labor and consumers. In conducting its duties, the commission may meet with any other individuals, departments, organizations or institutions it considers appropriate.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following the adjournment of the First Regular Session of the 123rd Legislature. The first-named members appointed from each body are cochairs of the commission.

5. Duties. The commission shall:

- A. Review the experience in Maine and in other states with promoting and teaching financial literacy to children and adults;
- B. Review the existing federal, state and private resources relating to financial literacy education;
- C. Develop recommendations for the best methods for teaching financial literacy to children and adults;
- D. Consider the establishment of a clearinghouse to make financial literacy educational materials widely accessible to the public; and
- E. Develop recommendations for legislation or other government action to promote the development of financial literacy education programs in this State.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Compensation. Legislative members of the commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission.

8. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Insurance and Financial Services and the Legislative Council. The Joint Standing Committee on Insurance and Financial Services is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature related to the recommendations in the commission's report.

9. Extension. If the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension.

10. Budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.C. 265

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

May 3, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 473 An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships
- L.D. 1070 An Act To Create the Maine Agriculture in the Classroom Council
- L.D. 1668 An Act To Create a Saco River Preservation Fund
- L.D. 1713 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Implement a Pilot Program To Preserve Agricultural Land

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 266

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

May 7, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 752 An Act To Streamline Licensure for Sign Language Interpreters

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 267

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

May 7, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1332 An Act Regarding Tobacco Products in Jails

L.D. 1384 An Act To Rename and Specifically Identify Sex Crimes

L.D. 1589 An Act To Prohibit the Use of Opposite-gender Bathrooms, Changing Rooms and Locker Rooms

L.D. 1612 An Act To Reduce the Incidence of Incarceration for People with Mental Illness

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

Sincerely,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Stanley J. Gerzofsky
House Chair

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

The Following Communication: S.C. 268

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 2, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1624 An Act To Hold School Systems to the Same Spending Limits as Municipalities

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 269

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

May 7, 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":

- L.D. 282 An Act To Provide Dental Care for Pregnant Women and New Mothers Receiving MaineCare Benefits
- L.D. 574 An Act To Increase Funding for the State's Immunization Program (EMERGENCY)
- L.D. 973 An Act To Require the Maine Center for Disease Control and Prevention To Publish Abortion Statistics
- L.D. 1184 Resolve, To Establish a Commission To Study the Possibility of Implementing the Proposed Healthy Americans Act (EMERGENCY)
- L.D. 1398 An Act To Enable Restaurants To Allow Dogs In Outdoor Portions of Those Establishments
- L.D. 1446 An Act To Protect Children from Mercury and Thimerosal Toxicity in Immunizing Agents
- L.D. 1523 An Act Requiring Heavy Metal-free Immunizing Agents

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

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. 270

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

May 7, 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. 285 An Act To Designate Additional Wild Trout Waters for Recognition and Protection
- L.D. 822 An Act To Eliminate Fees for Resident Junior Hunters
- L.D. 826 An Act To Protect Inland Waters and Property Owners
- L.D. 982 An Act To Encourage Youth Hunting
- L.D. 1305 Resolve, To Create a New Hunter Safety Course

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. 271

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 7, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 773 An Act To Preserve Dirigo Choice

L.D. 1287 An Act To Assist Maine Pharmacies

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. John R. Brautigam
House Chair

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

The Following Communication: S.C. 272

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

May 7, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 552 An Act To Provide for Punitive Damages
against Sex Offenders

L.D. 580 An Act To Provide for Punitive Damages
against Drunk Drivers

L.D. 1141 An Act To Ensure Basic Rights of Judicial
Employees

L.D. 1423 An Act To Allocate Punitive Damage Awards in
Civil Cases To Include an Amount To Ensure
Access to Justice for Maine Citizens

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 273

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

May 7, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1087 An Act To Facilitate Debarment of State
Contractors with Serious or Repeated Labor
Violations

L.D. 1616 An Act To Allow Temporary State Workers To
Contribute to Social Security

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 274

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

May 7, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 917 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 132 Members
- L.D. 1227 An Act To Require Posting of the State's Debt
- L.D. 1238 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Legislators
- L.D. 1456 Resolve, Establishing a Blue Ribbon Commission To Study the Operations of State Government
- L.D. 1475 An Act To Assist Maine Property Owners of Land near State-owned Railroads
- L.D. 1530 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 140 Members
- L.D. 1614 An Act To Transfer All Registry of Deeds and Probate Functions to the Secretary of State and Courts

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

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

The Following Communication: H.C. 243

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 8, 2007

Honorable Joy J. O'Brien
Secretary of the Senate
123rd Maine Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to insist on its previous action whereby it referred Bill "An Act To Allow Legislative Pay To Be Set by the State Compensation Commission" (H.P. 1266) (L.D. 1814) and accompanying papers to the Committee on Appropriations and Financial Affairs and asked for a committee of conference.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

ORDERS

Joint Order

On motion by Senator **BRANNIGAN** of Cumberland, the following Joint Order:

S.P. 699

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall submit a bill to statutorily establish the Acquired Brain Injury Advisory Council to the Senate.

READ and **PASSED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power
H.P. 1153 L.D. 1644

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

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

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

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Inland Water Access"
H.P. 1294 L.D. 1858

Reported that the same be **REFERRED** to the Committees on **INLAND FISHERIES AND WILDLIFE AND AGRICULTURE, CONSERVATION AND FORESTRY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committees on **INLAND FISHERIES AND WILDLIFE AND AGRICULTURE, CONSERVATION AND FORESTRY**.

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

REFERRED to the Committees on **INLAND FISHERIES AND WILDLIFE AND AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Ought to Pass Pursuant to Joint Order

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules" (EMERGENCY)

H.P. 1323 L.D. 1891

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1055.

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 As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Enhance Screening for Breast Cancer"
H.P. 93 L.D. 101

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.

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

READ ONCE.

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 316, Long Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 729 L.D. 969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-178)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)**.

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

READ ONCE.

Committee Amendment "A" (H-178) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require That Public Schools Start after Labor Day"

H.P. 367 L.D. 483

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

Signed:

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-145)**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

MUSE of Fryeburg
STRANG BURGESS of Cumberland

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

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

The Chair ordered a Division. 12 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Promote Electricity Transmission Independence" H.P. 816 L.D. 1098

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
BLANCHARD of Old Town
CURTIS of Madison

RINES of Wiscasset
FLETCHER of Winslow
FITTS of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-151)**.

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BLISS of South Portland
ADAMS of Portland
BERRY of Bowdoinham
HINCK of Portland

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**.

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect the Public from Dangerous Dogs"

S.P. 124 L.D. 380

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91)**.

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

READ ONCE.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Recapitalize the Municipal Investment Trust Fund"

S.P. 358 L.D. 1106

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-95)**.

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

READ ONCE.

Committee Amendment "A" (S-95) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Solid Waste Management Laws"
S.P. 461 L.D. 1313

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-96)**.

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

READ ONCE.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan

S.P. 214 L.D. 677

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
RECTOR of Thomaston
BEAUDETTE of Biddeford

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

Signed:

Representative:
CLEARLY of Houlton

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit the Activities of Political Candidates at Polling Places to Voting"
S.P. 220 L.D. 683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor
HOLMAN of Fayette

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

PATRICK of Rumford
TUTTLE of Sanford

Reports **READ**.

Senator **MARRACHÉ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prevent Retailers from Selling Liquor below Cost"

S.P. 446 L.D. 1283

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

Signed:

Senators:

MARRACHÉ of Kennebec
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor
HOLMAN of Fayette

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-93)**.

Signed:

Senator:

BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
PATRICK of Rumford

Reports **READ**.

Senator **MARRACHÉ** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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.

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

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

House As Amended

Bill "An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide"

H.P. 90 L.D. 98
(C "A" H-159)

Bill "An Act To Prohibit the Use of Nonnative Baitfish"

H.P. 145 L.D. 163
(C "A" H-66)

Bill "An Act To Increase the State's Share of Retired Teachers' Health Insurance"

H.P. 172 L.D. 201
(C "A" H-170)

Bill "An Act To Amend the Child Support Laws"

H.P. 372 L.D. 488
(C "A" H-174)

Bill "An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty"

H.P. 450 L.D. 583
(C "A" H-172)

Bill "An Act Concerning Animal Control Officers as Mandated Reporters of Abuse"

H.P. 451 L.D. 584
(C "A" H-173)

Bill "An Act To Amend Maine's Abandoned Vehicle Laws"

H.P. 515 L.D. 666
(C "A" H-165)

Bill "An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey"

H.P. 599 L.D. 783
(C "A" H-149)

Bill "An Act To Clarify the Definition of 'Personal Watercraft'"

H.P. 673 L.D. 888
(C "A" H-153)

Bill "An Act To Support Central Maine Community College"

H.P. 684 L.D. 909
(C "A" H-146)

Bill "An Act To Amend the Maine Commercial Fertilizer Law"
H.P. 792 L.D. 1074
(C "A" H-166)

Bill "An Act To Keep Private Road Maintenance Costs Affordable"
H.P. 893 L.D. 1265
(C "A" H-164)

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

H.P. 945 L.D. 1336
(C "A" H-176)

Bill "An Act To Set Standards for Interviewing Children Who Are
Subjects of a Child Protective Intervention"

H.P. 1051 L.D. 1501
(C "A" H-140)

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

Bill "An Act To Allow the State Timely Opportunity To Participate
in Settlement Negotiations for MaineCare Benefits"

H.P. 1091 L.D. 1566
(C "A" H-167)

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**, in concurrence.

Senate

Bill "An Act To Amend the Charter of the Somerset Woods
Trustees"

S.P. 369 L.D. 1117

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

Sent down for concurrence.

Bill "An Act Regarding Health Insurance Coverage for Persons
under the Influence of Alcohol or Narcotics"

S.P. 620 L.D. 1753

READ A SECOND TIME.

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

Senate As Amended

Resolve, To Encourage the Use of Safe Chemicals in Public
Schools

S.P. 32 L.D. 88
(C "A" S-84)

Bill "An Act To Amend the Laws Pertaining to the Licensing of
Motor Vehicle Dealerships"

S.P. 82 L.D. 245
(C "A" S-81)

Bill "An Act To Eliminate the Super Pack Hunting License"

S.P. 197 L.D. 605
(C "A" S-86)

Bill "An Act To Change the Impact of the Rate of Growth
Ordinance Limit on the Town of York"

S.P. 360 L.D. 1108
(C "A" S-90)

Bill "An Act To Amend the Definition of 'Territorial Waters' and
Study Maine's Coastal Policies"

S.P. 498 L.D. 1420
(C "A" S-85)

Resolve, To Remove Barriers to Smoking Cessation Treatment in
Maine

S.P. 499 L.D. 1421
(C "A" S-89)

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

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

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.

ENACTORS

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

Emergency Measure

An Act Concerning Applications Processed by the Maine Land
Use Regulation Commission

H.P. 526 L.D. 695
(C "A" H-95)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 5 Senators having voted in the negative, and 26 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 Resolve

Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg
S.P. 106 L.D. 328

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission

H.P. 538 L.D. 717
(C "A" H-120)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 2 Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors

H.P. 64 L.D. 66
(C "A" H-117)

An Act To Clarify Certain Equipment Provisions for Motor Vehicles

H.P. 492 L.D. 643
(C "A" H-128)

An Act To Amend the Laws Relating to Department of Corrections Facilities

H.P. 528 L.D. 697
(C "A" H-125)

An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs

H.P. 627 L.D. 830
(H "A" H-177 to C "B" H-62)

An Act To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers

H.P. 639 L.D. 840
(C "A" H-129)

An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age

H.P. 640 L.D. 841
(C "A" H-130)

An Act To Amend the Civil Foreclosure Laws

H.P. 657 L.D. 868

An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities

H.P. 844 L.D. 1151
(C "A" H-119)

An Act To Protect Consumers from Deceptive Insurance Solicitation

S.P. 439 L.D. 1253
(C "A" S-57)

An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation

H.P. 1002 L.D. 1428
(C "A" H-131)

An Act To Require Veterinarians To Notify the Department of Agriculture, Food and Rural Resources of Rabies Vaccinations of Dogs

H.P. 1210 L.D. 1727
(C "A" H-121)

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 Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

H.P. 66 L.D. 68
(C "A" H-123)

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

An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence

H.P. 340 L.D. 424
(C "A" H-124)

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

An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality
S.P. 335 L.D. 1018
(C "A" S-56)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act Concerning the Examination of Persons in Protective Custody"
S.P. 218 L.D. 681

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees"
S.P. 527 L.D. 1500

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **BARTLETT** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply"
S.P. 393 L.D. 1205

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Renew the Promise of Higher Education"
S.P. 337 L.D. 1020

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**.

Signed:

Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville
STRANG BURGESS of Cumberland

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

Signed:

Representatives:

SUTHERLAND of Chapman
MUSE of Fryeburg

Reports **READ**.

Senator **BOWMAN** of York 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 **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime"
S.P. 95 L.D. 280

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

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

READ ONCE.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1333 L.D. 1900

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prevent Retailers from Selling Liquor below Cost"

S.P. 446 L.D. 1283

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-93)** (3 members)

Tabled - May 9, 2007 by Senator **MARRACHÉ** of Kennebec

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

(In Senate, May 9, 2007, Reports **READ**.)

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

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**,
to Thursday, May 10, 2007, at 10:00 in the morning.