

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

In Senate Chamber
Thursday
February 7, 2008

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

Prayer by Reverend Douglas W. Drown of First Congregational Church in Bingham.

REVEREND DROWN: Good morning all. In other states Legislative chaplains wear clerical collars. In Maine we wear Bean boots. There is quite a wonderful book that was written about ten or eleven years ago by a woman named Marianne Williamson. It's titled Healing the Soul of America. I recommend it. In it she writes these words, 'Transforming our hearts is a prerequisite for transforming our world. We will not achieve any higher minded political goals until we transform the political process. We cannot transform the political process without transforming ourselves. We need less to get the message out than to get the message in. As Gandhi said, 'My life is my message.'

May we all ponder these words as citizens and as people of faith. The transformation of society begins with the transformation of the heart. As we offer our hearts to the God who made us, the God who calls us. Would you pray with me?

Loving and eternal God, in whose hands our lives are held and who calls us to love our neighbors as we love ourselves, we offer to You the deliberations of this chamber this day. We are here because we love this state. We are here because we care about it; its economy, its environment, its welfare, its people. Thus we ask Your blessing upon this Senate. Help its members to see and live this, their calling. In seeking the common good, we pray for the State of Maine and all who live in it, this great and wonderful place so richly blessed by You. In Your holy and gracious name, we offer to You these, our prayers. Amen.

Reading of the Journal of Wednesday, February 6, 2008.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MARTIN** of Aroostook, under unanimous consent on behalf of Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 848

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 12, 2008 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

**Pursuant to Statute
Joint Standing Committee on Judiciary**

The **Joint Standing Committee on Judiciary**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials" (EMERGENCY)

H.P. 1568 L.D. 2198

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.

COMMUNICATIONS

The Following Communication: S.C. 623

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

February 5, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable William R. Anderson of Morrill, for appointment as a Superior Court Justice.

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

YEAS	Senators	2	Hobbins of York, Hastings of Oxford
	Representatives	9	Simpson of Auburn, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Gould of South Berwick, Jacobsen of Waterboro, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		2	Rep. Berube of Lisbon, Sen. Nutting of Androscoggin

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable William R. Anderson of Morrill, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 624

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

February 5, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of

Honorable Roland A. Cole of Wells, for reappointment as a Superior Court Justice.

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

YEAS	Senators	2	Hobbins of York, Hastings of Oxford
	Representatives	9	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dunn of Bangor, Gould of South Berwick, Jacobsen of Waterboro, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		2	Rep. Dill of Cape Elizabeth, Sen. Nutting of Androscoggin

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Roland A. Cole of Wells, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 625

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

February 5, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Robert E. Crowley of Kennebunk, for reappointment as a Superior Court Justice.

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

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	9	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dunn of Bangor, Gould of South Berwick, Jacobsen of Waterboro, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		1	Rep. Dill of Cape Elizabeth

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Robert E. Crowley of Kennebunk, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 626

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

February 5, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Donald H. Marden of Oakland, for appointment as an Active Retired Superior Court Justice.

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

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	10	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Gould of South Berwick, Jacobsen of Waterboro, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		0	

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Donald H. Marden of Oakland, for appointment as an Active Retired Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 627

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

February 5, 2008

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

January 17, 2008

The Honorable Shawn Graham
Premier of New Brunswick
Box 6000
Fredericton, NB
Canada E3B 5H1

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Jane S. Bradley of Freeport, for appointment as an Active Retired District Court Judge.

Dear Premier Graham:

It is our pleasure to invite you to address a Joint Convention of the 123rd Maine Legislature on February 12, 2008 at 11:00 a.m. concerning the Province of New Brunswick and any other matters you may care to bring to our attention.

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

We look forward to seeing you then.

Sincerely,

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	10	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Gould of South Berwick, Jacobsen of Waterboro, Mills of Farmington, Nass of Acton

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

NAYS 0

ABSENT 0

The Following Communication: S.C. 616

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

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Jane S. Bradley of Freeport, for appointment as an Active Retired District Court Judge be confirmed.

February 4, 2008

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

Signed,

Dear President Edmonds and Speaker Cummings:

S/Barry J. Hobbins
Senate Chair

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":

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

L.D. 1999 An Act To Amend Criminal Laws against Domestic Violence To Ensure Appropriate Recognition of Prior Convictions (EMERGENCY)

L.D. 2011 An Act To Establish a Bracelet Monitoring Program for Persons Convicted of Minor Crimes

L.D. 2030 An Act To Allow Nondangerous Drivers To Obtain a Work-restricted License

The Following Communication: S.C. 622

**STATE OF MAINE
123rd MAINE LEGISLATURE**

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. 617

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

February 4, 2008

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. 1975 Resolve, To Require the Department of Health and Human Services To Promote Awareness of Parkinson's Disease
- L.D. 2035 An Act To Clarify the Laws Governing the Inspection of Medical Facilities
- L.D. 2085 An Act To Protect Children from Secondhand Smoke
- L.D. 2107 An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services

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. 618

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

February 4, 2008

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. 1747 An Act To Enact the Uniform Power of Attorney Act
- L.D. 1988 An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility (EMERGENCY)

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. 619

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

February 5, 2008

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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2016 An Act To Safeguard Imperiled or Critically Imperiled Natural Communities within Protected Natural Resources
- L.D. 2017 An Act To Provide for Enforcement of the Office Paper Recycling Program

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore S. Koffman
House Chair

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

The Following Communication: S.C. 620

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

February 4, 2008

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1298 An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. John F. Piotti
House Chair

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

The Following Communication: S.C. 621

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

February 4, 2008

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1978 An Act To Require the Department of Transportation To Recover for the Highway Fund Any Money Recovered from Those Responsible for Doing Damage to State Roads and Bridges
- L.D. 2040 An Act To Ban the Use of Liquid Calcium Chloride on Roads

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

SENATE PAPERS

Bill "An Act To Ensure Landowner Access to Land That Is Intersected by a Railroad"

S.P. 847 L.D. 2199

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

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential" (EMERGENCY)

H.P. 1561 L.D. 2191

Reported that the same **Ought to Pass**, pursuant to Resolve 2007, Chapter 128, section 8.

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 Pursuant to Statute

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

H.P. 1560 L.D. 2190

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 7, section 610, subsection 5.

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 **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY)

H.P. 1308 L.D. 1876

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-669)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-669)**.

Report **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Secure the Sites Necessary for the Statewide Radio and Network System"

H.P. 1497 L.D. 2111

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-670)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670)**.

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

READ ONCE.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President. In relation to L.D. 2111, I'd like to pose a question through the Chair if I may.

THE PRESIDENT: The Senator may pose his question.

Senator **ROSEN:** Thank you, Madame President. In reading the bill there is authority granted to the Commissioner to acquire property and placement sites for the implementation of the tower system. The question that I wish to pose is that the bill itself is not specific in terms of a particular location but seems to appear to be a general granting of authority for the Department to acquire properties wherever they may be needed. That is a point of clarification. If, in fact, we need to spend a little time beyond this question that is posed, I would request that the Chair of the Committee, on my behalf, offer a tabling motion. Thank you.

THE PRESIDENT: The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER**: Thank you, Madame President. I would like to let you know that this will be brought back to our committee for further discussion, but in light of the fact that the Senator from Hancock, Senator Rosen, has some questions I'd like to table this until later in today's session.

Committee Amendment "A" (H-670) **READ**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-670), in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use"
H.P. 279 L.D. 349

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-668)**.

Signed:

Senator:
NASS of York

Representatives:
PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

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

Signed:

Senators:
PERRY of Penobscot
STRIMLING of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-668)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "B" (H-668) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator SMITH for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Clarify Maine's 'Do Not Call' Laws"
S.P. 783 L.D. 1989

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-413)**.

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

READ ONCE.

Committee Amendment "A" (S-413) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Kennebunk Light and Power District"
S.P. 422 L.D. 1221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-412)**.

Signed:

Senators:
BARTLETT of Cumberland
HOBBINS of York

Representatives:
BLANCHARD of Old Town
BLISS of South Portland
ADAMS of Portland
BERRY of Bowdoinham
HINCK of Portland

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

Signed:

Senator:
SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
CURTIS of Madison
RINES of Wiscasset
FLETCHER of Winslow
FITTS of Pittsfield

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

SECOND READERS

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

House As Amended

Bill "An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens"

H.P. 397 L.D. 519
(C "A" H-665)

Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland

H.P. 1442 L.D. 2058
(C "A" H-663)

Resolve, To Change the Name of the South Bridge between Lewiston and Auburn

H.P. 1487 L.D. 2101
(C "A" H-661)

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

Senate As Amended

Bill "An Act Regarding Axle Weight on Tri-axle Farm Trucks"
S.P. 754 L.D. 1960
(C "A" S-409)

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.

Senate at Ease.

Senate called to order by the President.

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.

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:00 in the morning.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Ensure Full Payment of Annuity Death Benefits"
H.P. 1569 L.D. 2200

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require a Municipality To Move a Body Buried in the Wrong Grave" (EMERGENCY)
H.P. 1570 L.D. 2201

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

ROLL CALL (#264)

YEAS: Senators: None

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

ABSENT: Senators: SAVAGE, SHERMAN

EXCUSED: Senator: DAMON

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow the Town of Kittery To Implement a Program To Abate Taxes for Senior Citizens in Exchange for Public Service"

H.P. 1571 L.D. 2202

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **William R. Anderson** of Morrill for appointment as a Superior Court Justice was **CONFIRMED**.

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

ORDERS OF THE DAY

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

NOMINATION - of the Honorable William R. Anderson of Morrill for appointment as a Superior Court Justice

Tabled - February 7, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, February 7, 2008, Communication (S.C. 623) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

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

NOMINATION - of the Honorable Roland A. Cole of Wells for reappointment as a Superior Court Justice

Tabled - February 7, 2008, Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, February 7, 2008, Communication (S.C. 624) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#265)

YEAS: Senators: None

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

PLOWMAN, RAYE, ROSEN, ROTUNDO, SCHNEIDER, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: SAVAGE, SHERMAN

EXCUSED: Senator: DAMON

ABSENT: Senators: SAVAGE, SHERMAN

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Roland A. Cole** of Wells for reappointment as a Superior Court Justice was **CONFIRMED**.

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Robert E. Crowley** of Kennebunk for reappointment as a Superior Court Justice was **CONFIRMED**.

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

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

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

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

NOMINATION - of the Honorable Donald H. Marden of Oakland for appointment as an Active Retired Superior Court Justice

Tabled - February 7, 2008, Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

NOMINATION - of the Honorable Robert E. Crowley of Kennebunk for reappointment as a Superior Court Justice

Tabled - February 7, 2008, Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, February 7, 2008, Communication (S.C. 626) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

(In Senate, February 7, 2008, Communication (S.C. 625) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

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

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

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

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#267)

YEAS: Senators: None

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

ROLL CALL (#266)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY,

ABSENT: Senators: SAVAGE

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Donald H. Marden** of Oakland for appointment as an Active Retired Superior Court Justice was **CONFIRMED**.

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

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

NOMINATION - of the Honorable Jane S. Bradley of Freeport for appointment as an Active Retired District Court Judge

Tabled - February 7, 2008, Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, February 7, 2008, Communication (S.C. 627) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#268)

YEAS: Senators: None

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

ABSENT: Senators: SAVAGE

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Jane S. Bradley** of Freeport for appointment as an Active Retired District Court Judge was **CONFIRMED**.

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 12, 2008, at 10:00 in the morning.