

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

In Senate Chamber
Tuesday
April 3, 2007

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

Prayer by Paul Cates of Vassalboro Friends Meeting.

MR. CATES: Let us pray. Dear God, in the name of all Maine citizens I would thank You this morning for creative, mutually respecting partisanship which allows issues to be illuminated from different viewpoints. We pray that You will inspire our legislators to understand when partisanship needs to give way to cooperative work on issues which are too important to be the property of one party. We, the citizens, look to our lawgivers to make progress towards achieving an even better business climate in Maine. Help them, and all of us, to work for the creation of jobs with livable wages and good working conditions. Surely Republicans, Democrats, and Independents will work to maintain a strong system of education, the foundation of our state's future. As legislators of different persuasions work to make progress in these and the many other important issues facing them, help them and all of us Maine citizens to remember that our political opponent is not our enemy, and that as we learn from each other and work with each other, we may achieve real progress in serving all Mainers. Finally, may this high holiday of our Jewish brothers and sisters remind us that we all have our life and spiritual energy from the same astonishing creative source. We look to You this day for inspiration and guidance. Amen.

Reading of the Journal of Monday, April 2, 2007.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Provide an Income Tax Credit for Donations to Maine Public Schools"

H.P. 1042 L.D. 1480

Committee on **TAXATION** suggested and ordered printed.

In House, March 22, 2007, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

In Senate, March 29, 2007, on motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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

On motion by Senator **BOWMAN** of York, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

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

H.P. 1057 L.D. 1532

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

In House, March 27, 2007, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

In Senate, March 29, 2007, on motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

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

On motion by Senator **BOWMAN** of York, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act"

H.P. 1146 L.D. 1637

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 161

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

March 30, 2007

The Honorable Beth Edmonds
Senate President
123rd Maine Legislature
3 State House Station
Augusta, ME 04333

The Honorable Glenn Cummings
Speaker of the House
123rd Maine Legislature
2 State House Station
Augusta, ME 04333

Re: Petroleum Market Share Act/Annual Report to the Legislature

Dear President Edmonds and Speaker Cummings:

Enclosed, in accordance with the provisions of 10 M.R.S.A. § 1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any questions in this regard.

Sincerely,

S/G. Steven Rowe
Attorney General

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

SENATE PAPERS

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases

S.P. 648 L.D. 1819

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative HOTHAM of Dixfield and Senators: NASS of York, PERRY of Penobscot, Representatives: CHASE of Wells, KNIGHT of Livermore Falls, LANSLEY of Sabattus, PILON of Saco, PIOTTI of Unity.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws"

S.P. 646 L.D. 1817

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and Representatives: FISHER of Brewer, HOGAN of Old Orchard Beach.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way" (EMERGENCY)
S.P. 647 L.D. 1818

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and Senators: MITCHELL of Kennebec, SAVAGE of Knox, Representatives: BROWNE of Vassalboro, CEBRA of Naples, CROCKETT of Augusta, NASS of Acton, PEOPLES of Westbrook, SILSBY of Augusta.
Submitted by the Department of Transportation pursuant to Joint Rule 204.

On motion by Senator **DAMON** of Hancock, **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.

ORDERS

Joint Resolution

On motion by Senator **ROTUNDO** of Androscoggin (Cosponsored by Representative PATRICK of Rumford and Senators: BRYANT of Oxford, RAYE of Washington, Representatives: GIFFORD of Lincoln, TREAT of Farmingdale) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 649

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO SAFEGUARD THE STATE'S ROLE IN INTERNATIONAL TRADE AGREEMENTS

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, the State of Maine strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy; and

WHEREAS, the State of Maine seeks to maximize the benefits and minimize any negative impacts of international trade; and

WHEREAS, existing trade agreements have impacts that extend significantly beyond the bounds of traditional trade matters such as tariffs and quotas and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and regulatory authority; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with states on the far-reaching impact of trade agreements on state and local laws, even when binding the State of Maine to the terms of these agreements; and

WHEREAS, existing trade agreements have not done enough to ensure a level playing field for Maine workers and businesses or to include meaningful human rights, labor and environmental standards, which hurts Maine businesses, workers and communities; and

WHEREAS, the negative impact of existing trade agreements on the State's constitutionally guaranteed authority to protect the public health, safety and welfare and regulatory authority has occurred in part because United States trade policy has been formulated and implemented under the Trade Promotion Authority, or Fast-Track, process; and

WHEREAS, the Trade Promotion Authority eliminates vital checks and balances established in the United States Constitution by broadly delegating to the Executive Branch authority reserved for Congress to set the terms of international trade; and

WHEREAS, the Trade Promotion Authority circumvents normal congressional review and amendment committee procedures, limits debate to 20 hours total, forbids any floor amendments to the implementing legislation that is presented to Congress and generally creates a nontransparent trade policy-making process; and

WHEREAS, the Trade Promotion Authority is not necessary for negotiating trade agreements, as demonstrated by the existence of scores of trade agreements, including major pacts such as the agreements administered by the World Trade Organization, implemented without use of Fast-Track; and

WHEREAS, the current grant of the Trade Promotion Authority expires in July 2007; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States create a replacement for the Trade Promotion Authority system so that United States trade agreements are developed and implemented using a more democratic and inclusive mechanism that entails meaningful consultation with states; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States fully fund and support export promotion programs and Trade Adjustment Assistance programs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to Ambassador Susan Schwab, United States Trade Representative, and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 329: Rules Governing Milk and Milk Products, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 536 L.D. 705

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 328: Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 725 L.D. 965

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify What Constitutes a Schedule W Drug"
H.P. 541 L.D. 720

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Physician Assistants To Sign Death Certificates"
H.P. 575 L.D. 754

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Municipalities To Establish Foundations To Support Education"
H.P. 533 L.D. 702

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create the Princeton Standard Water District" (EMERGENCY)
H.P. 878 L.D. 1236

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Green Power Use at State Buildings"
H.P. 601 L.D. 785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-41)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)**.

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

READ ONCE.

Committee Amendment "A" (H-41) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"
H.P. 201 L.D. 239

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-21)**.

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec

Representatives:

GERZOFKY of Brunswick
BLANCHETTE of Bangor
GREELEY of Levant
TIBBETTS of Columbia
KAENRATH of South Portland
HASKELL of Portland

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

Signed:

Senator:
SHERMAN of Aroostook

Representatives:
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
SYKES of Harrison

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-21)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-21) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Permits to Beagle Clubs To Trap Snowshoe Hares" (EMERGENCY)
H.P. 386 L.D. 503

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-35)**.

Signed:

Senators:
BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:
JACKSON of Allagash
RICHARDSON of Carmel
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
WHEELER of Kittery
LUNDEEN of Mars Hill
RICHARDSON of Greenville

BRYANT of Windham

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

Signed:

Representative:
EBERLE of South 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-35)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-35) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Ban Personal Watercraft on East Carry Pond, Middle Carry Pond and West Carry Pond"
H.P. 417 L.D. 539

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

Signed:

Senators:
BRYANT of Oxford
PERRY of Penobscot

Representatives:
JACKSON of Allagash
RICHARDSON of Carmel
WHEELER of Kittery
LUNDEEN of Mars Hill
RICHARDSON of Greenville
BRYANT of Windham
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
EBERLE of South Portland

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

Signed:

Senator:
GOOLEY of Franklin

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Holders of Small Bank Accounts"

H.P. 355 L.D. 456

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

Signed:

Senators:
SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
RICHARDSON of Warren
McKANE of Newcastle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-40)**.

Signed:

Representatives:
BRAUTIGAM of Falmouth
TREAT of Farmingdale
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Reports **READ**.

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

Off Record Remarks

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of Chapter 28: Closing a School in the Unorganized Territory, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 35 L.D. 34

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

House As Amended

Bill "An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units"

H.P. 221 L.D. 265
(C "A" H-36)

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

Senate

Bill "An Act To Fund a Joint Appointment for a Groundfish Ecologist"

S.P. 121 L.D. 377

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

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:

Act

An Act To Allow a Truck Driver To Haul a Trailer on a Highway If That Driver Has a Point-to-point Permit

H.P. 182 L.D. 211
(C "A" H-26)

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Senator **TURNER** of Cumberland was granted unanimous consent to address the Senate off the Record.

PAPERS FROM THE HOUSE

House Paper

Off Record Remarks

Bill "An Act To Facilitate Collection of Money Owed to the State"
H.P. 1265 L.D. 1813

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Wednesday, April 4, 2007, at 10:00 in the morning.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Create Jobs by Expanding Educational Opportunity for Maine Residents"
H.P. 1267 L.D. 1815

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1268 L.D. 1816

Come 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.

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

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.