

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

In Senate Chamber
Thursday
January 24, 2008

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

Prayer by Pastor Karen Garcia of United Methodist Church in
New Sharon.

PASTOR GARCIA: Good morning, President Edmonds,
Senators and distinguished guests. Thank you for the opportunity
to come and offer the pray as you open this day of discussion and
debate. Each week as our church community offers prayers
during worship we ask not only for God's intervention in the
troubling places in our lives but we also give thanks for the many
blessings and reasons we have to celebrate. We believe that
with thankful hearts we acknowledge the good things in our lives
even as we ask God's help with what concerns us and we
acknowledge our role in doing God's work in our world each day.
With those thoughts in mind, let us be in the spirit of prayer.

Good and gracious God, we have many reasons to be
thankful this day. When so many others battle with injuries and
illness, we have our health. While others are lonely, we have the
love of friends and family. While others are cold, we have oil for
the furnace or wood for the wood stove. While others are hungry,
we have leftovers in the refrigerator. While others are
unemployed, we have work that is challenging and meaningful.
While others are homeless, we have a place to hang our hats.
While others live in poverty, we have a few dollars to spare.
While others have unstable governments, we have a system that
works. While others have war in their backyards, we are safe in
ours. For these things and so much more, we give you thanks,
good and gracious God. Yet we know that even as we enjoy
these blessings, they are cause for great concern for so many in
our world. There are still people who are sick, cold, hungry,
lonely, unemployed, homeless, poor and at war. We ask for your
help in bringing healing to those who suffer this day, bringing
comfort to those who are in need and bringing stability to those
who live in chaos day after day and use our God given gifts to
make change for the better in our world today. Bless our work so
that others may also be blessed. For that is our calling and our
mission for today. Amen.

Reading of the Journal of Tuesday, January 22, 2008.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MITCHELL** of Kennebec, the following Joint Order:
S.P. 831

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, January 29, 2008 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1540

ORDERED, the Senate concurring, that the Joint Standing
Committee on State and Local Government shall report out, to the
House, legislation to amend the Maine Administrative Procedure
Act with respect to rulemaking.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.P. 832

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

January 15, 2008

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

Dear President Edmonds and Speaker Cummings:

Pursuant to the Government Evaluation Act, Maine Revised
Statutes, Title 3, chapter 35, we submit the findings and
recommendations of the Joint Standing Committee on Utilities
and Energy with respect to the Maine Municipal and Rural
Electrification Cooperative Agency (MMRECA).

We find that while the MMRECA has yet to exercise its statutory
authorities, it may have occasion to benefit from exercising them
in the future. Consequently, we recommend that the MMRECA

enabling law remain in place. We are recommending no changes to the law.

Sincerely,

S/Philip L. Bartlett, II
Senate Chair

S/Lawrence Bliss
House Chair

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

Sent down for concurrence.

The Following Communication: S.P. 833

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 22, 2008

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated the following as a Maine Superior Court Justice:

Donald Marden of Oakland for appointment, Active-Retired
William Anderson of Morrill for appointment
Robert Crowley of Kennebunk for reappointment
Roland Cole of Wells for reappointment

Pursuant to Article 5, Part 1, §8, of the Constitution of Maine these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY.**

Sent down for concurrence.

The Following Communication: S.P. 834

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 22, 2008

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated the following as a Maine District Court Judge:

Jeff Moskowitz of Saco for appointment
Susan Sparaco of Farmingdale for appointment
Andre Janelle of Saco for reappointment
Paul Cote of Auburn for reappointment

Pursuant to Title 4, Chapter 5 MRSA §157-1, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY.**

Sent down for concurrence.

The Following Communication: S.P. 835

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 22, 2008

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Jane Bradley of Freeport for appointment as an Active-Retired Judge to the Maine District Court.

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 Paul A. Fritzsche 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. 605

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

January 18, 2008

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Resolve 2007, Chapter 133, I am pleased to appoint Bethany Galligher of Casco to the Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss. She will be serving as a representative from the Maine Academy of Audiologists.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management"

S.P. 830 L.D. 2169

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative BLISS of South Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE.**

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth (EMERGENCY)
H.P. 1092 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-652).**

Comes from the House with the Report **READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652).**

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

READ ONCE.

Committee Amendment "B" (H-652) **READ and ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Improve the Method of Taxing Natural Gas for Highway Use"
H.P. 409 L.D. 531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-653).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653).**

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

READ ONCE.

Committee Amendment "A" (H-653) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Resolve, To Establish the Maine Tree Growth Tax Law Review Committee
H.P. 421 L.D. 543

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-656)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656)**.

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

READ ONCE.

Committee Amendment "A" (H-656) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Set Fees for Services for Tax-exempt Property in Municipalities"
H.P. 996 L.D. 1413

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-655)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**.

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

READ ONCE.

Committee Amendment "A" (H-655) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

H.P. 458 L.D. 591

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

Signed:

Senator:
DOW of Lincoln

Representatives:
TUTTLE of Sanford
THOMAS of Ripley
HASKELL of Portland
HAMPER of Oxford
DUPREY of Hampden
SYKES of Harrison
DRISCOLL of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-635)**.

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
CLARK of Millinocket
JACKSON of Allagash
BURNS of Berwick

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

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt from the Sales Tax Water Used in Agricultural Production"

H.P. 812 L.D. 1094

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-654)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

PIOTTI of Unity
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:

Representatives:

RAND of Portland
CLARK of Millinocket

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-654).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-654) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities"

H.P. 314 L.D. 398

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
CURTIS of Madison

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

The Minority of the same Committee on the same subject reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BERRY of Bowdoinham
ADAMS of Portland

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

Reports **READ.**

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

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

Senate

Ought to Pass

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

S.P. 743 L.D. 1933

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine"

S.P. 753 L.D. 1959

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

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

READ ONCE.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Chamber. I want to just tell you about this particular bill, which would seem innocuous and you wonder why it would come before us because in essence it allows the Maine Turnpike Authority, at its various service centers along its highway, to sell products made or grown in Maine or products that promote Maine. It almost seems like a no-brainer, doesn't it? That's what we thought in the Transportation Committee when this bill came before us. In fact, the Maine Turnpike Authority is very heavily regulated by its rules of incorporation, its charter. It has determined that if a specific item is not spelled out in that, and it's a narrow interpretation, they cannot do it. That charter does not specifically name Maine made products or products that promote Maine. They have come before us, the committee unanimously agreed and I would certainly hope that the Senate would unanimously agree that they could be able to do this. It will show itself first in the new service plaza that is being constructed between the Maine Turnpike and the intersection of Interstate 95 in West Gardiner. There will be a fairly elaborate service center plaza there and the area within that location is going to be designated for these products and then those same products will be moved to other locations along the highway. I would urge your support and I actually am quite pleased that the Turnpike Authority is taking this step to help promote Maine made products. Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I won't add much to this except to say this sort of initiative was started by the Director of Tourism. I want to point out particularly how pleased we are with the collaboration between the Department of Agriculture, the Department of Conservation and the Department of Transportation. Any of you who chair committees, if there are such opportunities to do this sort of thing, which is fiercely promoting Maine and Maine products, that we are very interested in the BRED Committee and the Tourism Committee and will entertain any and all ideas. This is a good thing for us all to talk about. Thank you.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BOWMAN for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum"
S.P. 209 L.D. 672

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-403)**.

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

READ ONCE.

Committee Amendment "B" (S-403) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House As Amended

Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission"

H.P. 882 L.D. 1240
(C "B" H-651)

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

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

H.P. 501 L.D. 652
(C "B" H-645)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Study the Feasibility of Locating a New Bridge in the St. David Area

H.P. 394 L.D. 511
(C "B" H-643)

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

Emergency Resolve

Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group

S.P. 764 L.D. 1970

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Senate at Ease.

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 Amend the Animal Welfare Laws"
H.P. 1545 L.D. 2171

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of the Attorney General**

The **Department of the Attorney General**, 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 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General (**EMERGENCY**)

H.P. 1544 L.D. 2170

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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 **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:40 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

JOINT ORDER - Directing the Joint Standing Committee on State and Local Government to Report Out Legislation to Amend the Maine Administrative Procedure Act with Respect to Rulemaking.
H.P. 1540

Tabled - January 24, 2008, by Senator **SCHNEIDER** of Penobscot

Pending - **PASSAGE**, in concurrence

(In House, January 22, 2008, **READ** and **PASSED**.)

(In Senate, January 24, 2008, **READ**.)

PASSED, in concurrence.

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

Bill "An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management"

S.P. 830 L.D. 2169

Tabled - January 24, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

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

NOMINATION - of the Honorable Robert W. Clifford of Lewiston, for reappointment as a Supreme Judicial Court Justice

Tabled - January 24, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, January 24, 2008, Communication (S.C. 603) 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 (#256)

YEAS: Senators: None

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

ABSENT: Senators: PERRY, SHERMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, 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 W. Clifford** of Lewiston for reappointment as a Supreme Judicial 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 Paul A. Fritzsche of Kennebunk, for reappointment as a Superior Court Justice

Tabled - January 24, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, January 24, 2008, Communication (S.C. 604) 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 (#257)

YEAS: Senators: None

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

ABSENT: Senators: PERRY, SHERMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, 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 Paul A. Fritzsche of Kennebunk, for reappointment as a Superior Court Justice was **CONFIRMED**.

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

ROLL CALL (#258)

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

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

ABSENT: Senators: PERRY, SHERMAN

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **STRIMLING** of Cumberland to the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, PREVAILED.

READ ONCE.

Committee Amendment "A" (H-635) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects" H.P. 458 L.D. 591

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-635)** (4 members)

Tabled - January 24, 2008, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, January 22, 2008, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, January 24, 2008, Reports **READ**.)

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

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

Senator **STRIMLING:** Thank you, Madame President. I rise in support of the pending motion and just to let my colleagues know this bill actually has been in the legislature for quite some time as we've been trying to pass it over the years. There was some concern initially that we might be the first state to do it but all other New England states at this point have passed a very similar law. This is just to protect workers on the job and to make sure that we have in place a law that anybody who receives a government contract of over \$100,000 does a basic level of training for the workers to protect them. Every other state, including New Hampshire, has now passed a very similar law. Some of them actually have a lower threshold than what we have done. This is an important safety law for the workers of the state of Maine and I encourage my colleagues to support it. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Directing the Joint Standing Committee on Criminal Justice and Public Safety To Study the Creation of a Catastrophic Illness Fund To Help Firefighters, Police Officers, Emergency Medical Technicians, Paramedics and Their Families H.P. 1511

Tabled - January 9, 2008, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in **NON-CONCURRENCE**

(In House, January 8, 2008, **READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.)

(In Senate, January 9, 2008, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Requiring a Review of Issues Concerning the Protection of Emergency Medical Services Personnel H.P. 1512

Tabled - January 9, 2008, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in **NON-CONCURRENCE**

(In House, January 8, 2008, **READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.)

(In Senate, January 9, 2008, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

Off Record Remarks

The President appointed the Senator from Kennebec, Senator **MITCHELL**, to serve as President Pro Tem for the sessions on Tuesday, January 29, 2008 and Thursday, January 31, 2008.

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

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

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

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 29, 2008, at 10:00 in the morning.