

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

In Senate Chamber  
Wednesday  
March 5, 2008

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

Prayer by Pastor Elizabeth Bailey Roberts of Bartlett Memorial United Methodist Church in North Jay.

**PASTOR ROBERTS:** Gracious and merciful God, we look around us this day at the beauty of Your creation. Even in the midst of the snow and ice we recognize Your hand at work and praise You for all of creation. Now having acknowledged Your power and beauty in all things, I do believe we are ready to celebrate Spring whenever You see fit to bring it our way. The salt supplies are running low, Lord, along with our patience with inclement weather. Lord, we pray for the safety of all those who travel this day. We give thanks for each person here who is committed to the task at hand. Grant them Your wisdom that they may make decisions guided by that which is good and right and holy. Braving the icy roads, this legislative Body has gathered this day to make decisions on behalf of the people of Maine. Help them to listen clearly, to reflect honestly, and to share openly with one another for guidance this day. We are mindful of the words of the prophet Micah, may we embrace his vision, which is to do justice, love mercy, and walk humbly with our God. Amen.

Reading of the Journal of Tuesday, March 4, 2008.

Doctor of the day, Jeffrey Bensen, MD of Freeport.

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District" (EMERGENCY)

S.P. 864 L.D. 2234

In Senate, February 28, 2008, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

**House Paper**

Bill "An Act To Protect Children from Hazardous Lead-based Paint"

H.P. 1584 L.D. 2218

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.P. 872

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 4, 2008

Sen. Dennis S. Damon  
Senate Chair, Joint Standing Committee on Marine Resources  
Rep. Leila J. Percy  
House Chair, Joint Standing Committee on Marine Resources  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has nominated Richard Ruhlin of Brewer for reappointment to the Atlantic Salmon Commission.

Pursuant to Title 12 M.R.S.A. §6137, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate. This was formerly under the jurisdiction of the Joint Standing Committee on Inland Fisheries and Wildlife. This letter shall serve as a correction to the Governor's previous letter of February 28, 2008.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and **REFERRED** to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

The Following Communication: S.C. 651

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

March 3, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2003 An Act To Create the Southern York County  
Regional Development Authority  
(EMERGENCY)

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. 652

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

March 3, 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 bill out "Ought Not to Pass":

L.D. 2034 An Act To Prohibit the Sale of Energy Drinks to  
Minors

We have also notified the sponsor and cosponsors 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. 653

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 3, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1966 Resolve, To Allow John Jorgensen To Sue the  
State (EMERGENCY)

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

Sincerely,

S/Sen. Lisa T. Marraché  
Senate Chair

S/Rep. John L. Patrick  
House Chair

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

---

The Following Communication: S.C. 654

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

March 3, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1974 Resolve, To Prevent the Closing of Store Road in Somerset County (EMERGENCY)

We have also notified the sponsor and cosponsors 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: S.C. 655

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

March 3, 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 bill out "Ought Not to Pass":

L.D. 2183 Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain of Maine Ski Area

We have also notified the sponsor and cosponsors 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**.

---

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

---

**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory  
H.P. 1583 L.D. 2217

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

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

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

**REFERRED** to the Committee on **TAXATION**, in concurrence.

---

**Pursuant to Joint Order**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote the Agricultural Economy" (EMERGENCY)  
H.P. 1606 L.D. 2245

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Joint Order, H.P. 1555.

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

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

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

---

**Ought to Pass As Amended**

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State  
H.P. 1519 L.D. 2139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-698)**.

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

**READ ONCE.**

Committee Amendment "A" (H-698) **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 To Clarify the Application of Prevailing Wage Requirements"  
H.P. 328 L.D. 412

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-640)**.

Signed:

Senator:  
STRIMLING of Cumberland

Representatives:  
TUTTLE of Sanford  
CLARK of Millinocket  
HASKELL of Portland  
JACKSON of Allagash  
BURNS of Berwick  
DRISCOLL of Westbrook

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

Signed:

Senator:  
DOW of Lincoln

Representatives:  
THOMAS of Ripley  
HAMPER of Oxford  
DUPREY of Hampden  
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-640)**.

Reports **READ**.

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

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

---

**Senate**

**Ought to Pass As Amended**

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

S.P. 735 L.D. 1930

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-441)**.

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

**READ ONCE.**

Committee Amendment "A" (S-441) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Agricultural Marketing and Bargaining"  
S.P. 786 L.D. 1992

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-442)**.

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

**READ ONCE.**

Committee Amendment "A" (S-442) **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 Clarify the Licensure of Advanced Practice Registered Nurses"

H.P. 1408 L.D. 2024  
(C "A" H-694)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Register Their Watercraft Online

H.P. 1474 L.D. 2088  
(C "A" H-688)

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

---

**Senate As Amended**

Bill "An Act To Improve Transparency and Accountability in Government"

S.P. 684 L.D. 1881  
(C "A" S-439)

Bill "An Act To Make Technical Corrections to the Employment Security Law" (EMERGENCY)

S.P. 801 L.D. 2007  
(C "A" S-437)

Bill "An Act To Correct the Uniform Limited Partnership Act of 2007"

S.P. 811 L.D. 2128  
(C "A" S-440)

**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 To Repeal the Ban on the Sale and Furnishing of Hard Snuff

S.P. 755 L.D. 1961  
(C "A" S-423)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in the negative, and 29 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 Measure**

An Act To Clarify Retirement Programs for Participating Local Districts

H.P. 1530 L.D. 2150

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

---

**Act**

An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System  
H.P. 1525 L.D. 2146

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

---

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville

H.P. 1375 L.D. 1941  
(H "A" H-681 to C "A" H-672)

**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.

---

Off Record Remarks

---

Senator **ROSEN** of Hancock was granted unanimous consent to address the Senate off the Record.

---

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

---

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

---

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

---

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Thursday, March 6, 2008, at 10:00 in the morning.