

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

In Senate Chamber
Monday
March 17, 2008

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

Prayer by Reverend Frank J. Murray of Sacred Heart, Saint Louis and Saint Philip Catholic Churches of Auburn, Saint Catherine Catholic Church of Norway and Our Lady of Ransom of Mechanic Falls.

REVEREND MURRAY: Let us pray. Loving God, we gather for another week of legislative work on this special day to continue the challenging work You have entrusted to us. At times like the present our work seems daunting and maybe beyond our individual abilities, but You remind us we are not alone. Your spirit is with us and helps us appreciate each others abilities. We ask You to bring our efforts together so that collectively our total effort is greater than the sum of our individual endeavors. We pray to You on this St. Patrick's Day 2008 that You will grace us with a measure of determination, fortitude, wisdom, and compassion like You graced St. Patrick. Let us, like Patrick of Ireland, accept the gifts of these virtues with humility and generosity and let us use them while working for the common good of the citizens of the state of Maine. May the spirit, traditions, and commitment of St. Patrick be examples to us and motivate us this day with joy and hope. May all we do and accomplish this day receive Your blessing. We make this prayer in Your name. Amen.

Pledge of Allegiance led by Senator Barry J. Hobbins of York County.

Reading of the Journal of Friday, March 14, 2008.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 679

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

March 6, 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 Public Law 2007, Chapter 39, Part F §13083-T, I am pleased to appoint William Houston of Kingfield to the Riverfront Community Development Review Panel. He will be serving as a member with expertise in tourism and ecotourism development and promotion.

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.

The Following Communication: S.C. 680

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

March 7, 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 38 M.R.S.A §343-D, I am pleased to appoint Joan Saxe of Freeport to the Pollution Prevention Advisory Committee. She will be serving as a member representing an environmental organization.

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

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands
S.P. 889 L.D. 2260

Sponsored by Senator NUTTING of Androscoggin.
(GOVERNOR'S BILL)

Cosponsored by Representative PIEH of Bremen and Senator: BRYANT of Oxford.

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

Sent down for concurrence.

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

ORDERS

Joint Order

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

S.P. 890

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall submit, to the Senate, a bill directing the Department of Corrections to extend a pilot project at the juvenile corrections facilities.

READ and **PASSED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services

H.P. 1494 L.D. 2108

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 **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1538 L.D. 2164

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.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Application of Term Limits for the State Board of Education"

H.P. 1380 L.D. 1944

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-745)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**.

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

READ ONCE.

Committee Amendment "A" (H-745) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Conform the Laws Governing Underground Oil Storage Tanks to the Requirements of the Federal Energy Policy Act"

H.P. 1456 L.D. 2072

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-743)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-743) AS AMENDED BY HOUSE AMENDMENT "A" (H-749)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-743) **READ.**

House Amendment "A" (H-749) to Committee Amendment "A" (H-743) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-743) as Amended by House Amendment "A" (H-749) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"

H.P. 115 L.D. 123

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-664).**

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman

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

Signed:

Senator:

MILLS of Somerset

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville
STRANG BURGESS of Cumberland
MUSE of Fryeburg
FINCH of Fairfield

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1501 L.D. 2121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-750).**

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-751).**

Signed:

Senator:

MILLS of Somerset

Representative:

STRANG BURGESS of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750).**

Reports **READ.**

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

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass Pursuant to Joint Order

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act Regarding the Recommendations of the Committee To Study Appropriate Funding of the State Police"
S.P. 888 L.D. 2259

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 725.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator **STRIMLING** for the Committee on **LABOR** on Bill "An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters"
S.P. 837 L.D. 2177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-464)**.

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

READ ONCE.

Committee Amendment "A" (S-464) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act Relating to Studded Tires"
S.P. 836 L.D. 2176

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-462)**.

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

READ ONCE.

Committee Amendment "A" (S-462) **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

Bill "An Act To Further Clarify Worker Payments for Clothing and Equipment"
H.P. 1574 L.D. 2205

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

House As Amended

Bill "An Act To Allow Community Service in Lieu of Fines"
H.P. 1372 L.D. 1938
(C "A" H-736)

Bill "An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff"
H.P. 1405 L.D. 2021
(C "A" H-731)

Resolve, To Expand Access to Foreign Language Instruction in Maine Schools (EMERGENCY)
H.P. 1469 L.D. 2083
(C "A" H-733)

Bill "An Act To Amend the Election Laws"
H.P. 1496 L.D. 2110
(C "A" H-737)

Bill "An Act To Implement the Recommendation of the Legislative Youth Advisory Council To Allow Youth To Preregister To Vote upon Reaching 16 Years of Age"
H.P. 1509 L.D. 2130
(C "A" H-738)

Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters"
H.P. 1510 L.D. 2131
(C "A" H-734)

Bill "An Act To Ensure the Integrity of Prepaid Calling Accounts"
H.P. 1550 L.D. 2180
(C "A" H-744)

An Act Regarding the Use of Designated State-approved ATV Trails
S.P. 773 L.D. 1979
(C "A" S-443)

Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission"
H.P. 1600 L.D. 2240
(C "A" H-735)

An Act To Amend the Laws Governing Agricultural Marketing and Bargaining
S.P. 786 L.D. 1992
(C "A" S-442)

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

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

Senate As Amended

Bill "An Act To Amend the Laws Governing the Taxation of Partnerships"
S.P. 488 L.D. 1400
(C "B" S-460)

Resolve

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands
S.P. 735 L.D. 1930
(C "A" S-441)

Bill "An Act To Create the Maine Agriculture Protection Act"
S.P. 591 L.D. 1684
(C "A" S-455)

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

Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran"
S.P. 745 L.D. 1934
(C "A" S-458)

Senate at Ease.

Bill "An Act To Amend the Laws Relating to Marks, Corporations, Limited Partnerships and Limited Liability Companies"
S.P. 788 L.D. 1994
(C "A" S-457)

Senate called to order by the President.

Bill "An Act To Clarify the Sales Tax on Prepared Meals"
S.P. 799 L.D. 2005
(C "A" S-461)

Off Record Remarks

Bill "An Act Regarding Certain Activities of Electric and Gas Utilities"
S.P. 815 L.D. 2135
(C "A" S-454)

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

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

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

Sent down for concurrence.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Wednesday, March 18, 2008, at 10:00 in the morning.

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:

Acts