

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

First Regular Session
December 6, 2006 to June 21, 2007

Pages 1 - 1266

Acts

- An Act To Amend the Shellfish Laws
H.P. 432 L.D. 554
- An Act To Amend Certain Requirements Applicable to Insurance Producers
H.P. 457 L.D. 590
- An Act To Clarify What Constitutes a Schedule W Drug
H.P. 541 L.D. 720
- An Act To Allow Physician Assistants To Sign Death Certificates
H.P. 575 L.D. 754
- An Act To Promote Green Power Use at State Buildings
H.P. 601 L.D. 785
(C "A" H-41)
- An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices
H.P. 674 L.D. 889
- An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws
H.P. 825 L.D. 1132
- An Act To Clarify the Application of the Definition of "Tract or Parcel of Land" under the State Subdivision Laws
H.P. 854 L.D. 1173

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

- An Act To Provide a Felony Penalty for Assault on a Firefighter
H.P. 201 L.D. 239
(C "A" H-21)
- On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

- An Act To Increase the Bonding Capacity of the Maine Turnpike Authority
S.P. 104 L.D. 321
(C "A" S-24)
- On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Fund a Joint Appointment for a Groundfish Ecologist
S.P. 121 L.D. 377

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

HELD MATTER

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"
S.P. 212 L.D. 675

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass** (1 member)

(In Senate, April 10, 2007, on motion by Senator **MITCHELL** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **DAMON** of Hancock, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/27/07) Assigned matter:

Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

S.P. 22 L.D. 24

Tabled - March 27, 2007, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

(In Senate, March 20, 2007, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In House, March 22, 2007, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **SAVAGE** of Knox, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-35) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. This does two things to my original proposal. This adds a sentence to the law that says, 'A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this sub-section.' I also added to it the provision that a person detained solely for a violation of this law before April 1, 2008 may only be issued a warning. That gives six months for education on the primary seat belt. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-35) **ADOPTED**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President. Just to inquire about the Parliamentary procedure here. If I was interested in being recorded as being opposed to the entire proposal requiring seat belts, would this be the time to state this?

THE PRESIDENT: If there were a roll call, it would definitely be the time to do that.

On motion by Senator **NASS** of York, 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 Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. Not to belabor an issue that we've already discussed thoroughly last week, but I would encourage people to think about the current law which requires children under 18 to wear their seat belt. I think the current law that we put in place 4 or 5 years ago when I served in the other Body was a good compromise that allows people to make their own decision but also encourages people to wear their seat belt. I would encourage you to vote against the pending motion.

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

Senator **BRANNIGAN:** Thank you, Madame President. I would just like to remind people that the present law does not allow people to make a choice. It is a law that must be followed just like any other law. Therefore there is no choice.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#45)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DIAMOND, DOW, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, COURTNEY, GOOLEY, HASTINGS, HOBBS, MCCORMICK, NASS, RAYE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO

ABSENT: Senator: PLOWMAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-35)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/2/07) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee

H.P. 283 L.D. 353

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-34)** (5 members)

Tabled - April 2, 2007, by Senator **SCHNEIDER** of Penobscot