

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

In Senate Chamber
Thursday
March 30, 2006

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

Prayer by Reverend Kimberly Murphy, Winthrop Congregational Church, UCC.

REVEREND MURPHY: Good morning. It is my great honor to be with you this morning and I would like to ask you all to have a moment of silence, for I am sure this is probably the only silence you will get this day. Let us be in silence.

Please now pray with me. Oh creating, guiding God, our higher power, You who govern all, You who oversee that which is right and good, You are as far away as the most distant star and as near to us as the air we breath. We ask You to be with us now and throughout this day, no matter where our wanderings take us. We pray, oh God, our higher power, that You will not only watch over us with love and care, but that You will keep us and guide us carefully, for we, the people who come here together this day and in this place, are the ones who act as the servants of Your people of this state and beyond. Grant us Your grace, Your patience, Your kindness of heart so that when choices are to be made we will make the better one, and that when we are called to compromise we will do so with faithful integrity. Let us not become intractable and ridged, so wedded to our own ideas that we fail to discern a more noble thought and plan. Let us, should discourse edge towards the more heated and fracturing, be willing to step back from the debate in order to preserve our relationships and our friendships. When we are finally called to a place of decision, let all of us vote with a conviction steeped in a courage that is generous, thoughtful, and kind. Hear these thoughts and these prayers that we offer up to You, oh God, our higher power, for we offer them to You in Your name. Amen.

Doctor of the day, Buell Miller, MD of Cumberland.

Reading of the Journal of Wednesday, March 29, 2006.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Drew Plantation"

S.P. 679 L.D. 1762

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-511)** (9 members)

Minority - **Ought Not to Pass** (4 members)

In Senate, March 27, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.C. 568

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Kristin L. Aiello of Hallowell, for reappointment to the Maine Human Rights Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Hobbins of York, Hastings of Oxford

Representatives 8 Bryant-Deschenes of Turner, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Sherman of Hodgdon, Simpson of Auburn

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Kristin L. Aiello** of Hallowell, for reappointment to the Maine Human Rights Commission was **CONFIRMED**.

NAYS 0

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

ABSENT 3 Sen. Bromley of Cumberland, Rep. Bryant of Windham, Rep. Canavan of Waterville

Ten 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 Kristin L. Aiello of Hallowell, for reappointment to the Maine Human Rights Commission be confirmed.

Senate at Ease.

Senate called to order by the President.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

The Following Communication: S.C. 569

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY**

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

Dear Madame President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Paul F. Jacques of Waterville, for appointment to the Maine Indian Tribal-State Commission.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#348)

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators: None

YEAS	Senators	3	Hobbins of York, Bromley of Cumberland, Hastings of Oxford
	Representatives	8	Bryant of Windham, Bryant-Deschenes of Turner, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Simpson of Auburn

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: WOODCOCK

NAYS 0

ABSENT 2 Rep. Canavan of Waterville,
Rep. Sherman of Hodgdon

Eleven 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 F. Jacques of Waterville, for appointment to the Maine Indian Tribal-State Commission 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 **BRENNAN** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 570

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY**

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Hobbins of York, Bromley of Cumberland, Hastings of Oxford
	Representatives	5	Bryant of Windham, Dunn of Bangor, Faircloth of Bangor, Gerzofsky of Brunswick, Simpson of Auburn

NAYS Senators 0

Representatives 4 Bryant-Deschenes of Turner, Carr of Lincoln, Nass of Acton, Sherman of Hodgdon

ABSENT 1 Rep. Canavan of Waterville

Eight members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission 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 **BRENNAN** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 574

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

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of M. Kelly Matzen of Auburn, for reappointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
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Representatives 7 Austin of Gray, Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Robinson of Raymond, Smith of Monmouth

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **M. Kelly Matzen** of Auburn, for reappointment to the Finance Authority of Maine was **CONFIRMED**.

NAYS 0

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

ABSENT 3 Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston

The Following Communication: S.C. 575

Ten 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 M. Kelly Matzen of Auburn, for reappointment to the Finance Authority of Maine be confirmed.

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

Signed,

March 28, 2006

S/Lynn Bromley
Senate Chair

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

Dear Madame President:

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of William H. Beardsley of Bangor, for reappointment to the Finance Authority of Maine.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#349)

YEAS: Senators: None

YEAS Senators 3 Bromley of Cumberland, Dow of Lincoln, Hobbins of York

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

Representatives 7 Austin of Gray, Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Robinson of Raymond, Smith of Monmouth

NAYS 0

ABSENT 3 Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston

Ten 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 William H. Beardsley of Bangor, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#350)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **William H. Beardsley** of Bangor, for reappointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 576

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

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Glenn A. Lamarr of Fort Kent, for appointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	7	Austin of Gray, Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Robinson of Raymond, Smith of Monmouth
NAYS		0	
ABSENT		3	Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston

Ten 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 Glenn A. Lamarr of Fort Kent, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#351)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Glenn A. Lamarr** of Fort Kent, for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 577

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

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Joyce A. Maker of Calais, for reappointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 3 Bromley of Cumberland, Dow of Lincoln, Hobbins of York

Representatives 7 Austin of Gray, Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Robinson of Raymond, Smith of Monmouth

NAYS 0

ABSENT 3 Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston

Ten 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 Joyce A. Maker of Calais, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#352)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Joyce A. Maker** of Calais, for reappointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 579

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

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Kevin J. Mattson of Hallowell, for appointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	7	Austin of Gray, Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Robinson of Raymond, Smith of Monmouth
NAYS		0	
ABSENT		3	Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston

Ten 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 Kevin J. Mattson of Hallowell, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#353)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Kevin J. Mattson** of Hallowell, for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

ORDERS OF THE DAY

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

NOMINATION - of the Honorable Paul F. Jacques of Waterville, for appointment to the Maine Indian Tribal-State Commission

Tabled - March 30, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 30, 2006, Communication (S.C. 569) 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 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#354)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 F. Jacques** of Waterville, for appointment to the Maine Indian Tribal-State Commission 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 Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission

Tabled - March 30, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 30, 2006, Communication (S.C. 570) 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 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#355)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The members of the Woodland Jr.-Sr. High School Girls Basketball Team, of Baileyville, on their winning the 2006 Class D State Championship. We extend our congratulations to the Woodland "Dragons" on this achievement;

SLS 1038

Sponsored by Senator RAYE of Washington. Cosponsored by Representatives: McFADDEN of Dennysville, PERRY of Calais, McLEOD of Lee.

READ and **PASSED**.

On motion by Senator **RAYE** of Washington, the Senate **RECONSIDERED** whereby the Joint Order was **PASSED**.

On further motion by same Senator, **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE**: Thank you, Madame President, men and women of the Senate. It is my pleasure to rise to welcome the Woodland High School Lady Dragons to the Senate this morning. I am delighted to have team members Gena Clark, Michelle Ferry, Lacey Gillespie, Eryn Crowe, Lindsay Ham, Cherish Mitchell, Katie Murphy, Cynthia Bergin, Cassandra Brown, Courtney Cochran, Lindsey Coutinho, Rachel Torrye, Julia Nicholas, and Anastasia Parks here along with Managers Mercedes Newman and Tasha Saucier, and it is a pleasure to welcome Head Coach Arnold Clark and Assistant Coaches Tom Simmons and Bert Ward. The Lady Dragons had an extraordinary year, culminating in bringing home the gold ball to Baileyville. In the process of achieving this championship, they have conducted themselves in a way that has brought great credit to themselves, their school, and their community by personifying the finest ideals of sportsmanship. Their families and neighbors are very proud of this outstanding group of girls and they are grateful for the effective leadership and steady guidance provided by Coach Clark and Assistant Coaches Simmons and Ward. It is my pleasure to present the Lady Dragons with this sentiment on behalf of the legislature. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the members of the Woodland Junior/Senior High School girls' basketball team from Baileyville and congratulate them on their winning of the 2006 Class D State Championship. Would they please rise and receive the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Eating Disorders in Maine"
H.P. 1487 L.D. 2094

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1480.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY HOUSE AMENDMENT "A" (H-900)**.

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

READ ONCE.

House Amendment "A" (H-900) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides"

H.P. 1168 L.D. 1657

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-885)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-885)**.

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

READ ONCE.

Committee Amendment "A" (H-885) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Living Wills of Terminally Ill Persons"
H.P. 1282 L.D. 1842

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-890)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)**.

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

READ ONCE.

Committee Amendment "A" (H-890) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Prevent Price Gouging"

H.P. 1333 L.D. 1892

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-875)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-875) AS AMENDED BY HOUSE AMENDMENT "A" (H-894)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-875) **READ**.

House Amendment "A" (H-894) to Committee Amendment "A" (H-875) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-875) as Amended by House Amendment "A" (H-894) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony"

H.P. 1395 L.D. 1993

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-904)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904)**.

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

READ ONCE.

Committee Amendment "A" (H-904) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a Major Substantive Rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions (EMERGENCY)

H.P. 1462 L.D. 2067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-905)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-905)**.

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

READ ONCE.

Committee Amendment "A" (H-905) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1385 L.D. 1977

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-855)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**.

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

READ ONCE.

Committee Amendment "A" (H-855) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1388 L.D. 1981

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-883)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883)**.

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

READ ONCE.

Committee Amendment "A" (H-883) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect the Privacy of Cellular Telephone Customers"
H.P. 1436 L.D. 2038

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-892)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892)**.

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

READ ONCE.

Committee Amendment "A" (H-892) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

H.P. 1260 L.D. 1820

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-821)**.

Signed:

Senator:
PLOWMAN of Penobscot

Representatives:
OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
MOORE of Standish
NASS of Acton
BROWN of South Berwick

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

Signed:

Senators:
GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:
FISHER of Brewer
PATRICK of Rumford
TUTTLE of Sanford

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-821) AS AMENDED BY HOUSE AMENDMENT "A" (H-854)** thereto.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Resolve, Directing the Department of Environmental Protection To Establish Standards for the Cleanup of Mold
H.P. 1381 L.D. 1971

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-887)**.

Signed:

Senators:
COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:
DUCHESNE of Hudson
ANNIS of Dover-Foxcroft
EBERLE of South Portland
KOFFMAN of Bar Harbor
TWOMEY of Biddeford
THOMPSON of China

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

Signed:

Representatives:
JOY of Crystal
DAIGLE of Arundel
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887)**.

Reports **READ**.

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

On motion by Senator **DAVIS** of Piscataquis, 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 Hancock, Senator Rosen.

Senator **ROSEN**: Thank you, Madame President, men and women of the Senate. I'd just like to point out, as I take a look at the amended version of this fine piece of legislation, that it does, in fact, include an assignment in this bill for the Maine Center for Disease Control, which is the old Bureau of Health which is part of the Health and Human Services Department that does come under the purview of the Health and Human Services Committee. The bill also includes an assignment of a report back that comes to the Health and Human Services Committee. I simply want to point out that this fine piece of legislation has not involved the active inclusion of the Health and Human Services Committee and I hope some time in the near future that we can return the favor to the Natural Resources Committee.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Cowger to Accept the Majority 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.

ROLL CALL (#356)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **COWGER** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-887) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Eight members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Increase the Salary of the Governor"

H.P. 1349 L.D. 1908

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-896).**

Signed:

Senator:
ANDREWS of York

Representatives:
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
BROWNE of Vassalboro
MUSE of Fryeburg

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-897).**

Signed:

Senators:
SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:
BARSTOW of Gorham
SCHATZ of Blue Hill

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representative:
BLANCHARD of Old Town

Comes from the House with Report "C", **OUGHT NOT TO PASS, READ** and **ACCEPTED.**

Reports **READ.**

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-897)**, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-897)**, in **NON-CONCURRENCE.**

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones" (EMERGENCY)

S.P. 660 L.D. 1743

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-535)**.

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

READ ONCE.

Committee Amendment "A" (S-535) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Protect Children from Contact with Convicted Sex Offenders"

S.P. 695 L.D. 1778

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-536)**.

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

READ ONCE.

Committee Amendment "A" (S-536) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats"

S.P. 709 L.D. 1792

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-533)**.

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

READ ONCE.

Committee Amendment "A" (S-533) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations" S.P. 666 L.D. 1749

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-530)**.

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

READ ONCE.

Committee Amendment "A" (S-530) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Ensure the Continued Viability of Affordable Housing" S.P. 713 L.D. 1796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-531)**.

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

READ ONCE.

Committee Amendment "A" (S-531) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Clarify the Qualifications for the Maine Residents Property Tax Program" (EMERGENCY)

S.P. 714 L.D. 1797

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-532)**.

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

READ ONCE.

Committee Amendment "A" (S-532) **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 Amend the Definition of 'Municipality' as It Relates to the Maine Municipal Bond Bank Act" (EMERGENCY)
H.P. 1466 L.D. 2072

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

House As Amended

Bill "An Act To Protect Drivers' Privacy by Clarifying Ownership of Data Recorded by Motor Vehicle Data Recorders"
H.P. 1325 L.D. 1885
(C "A" H-876)

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)
H.P. 1389 L.D. 1982
(C "A" H-881)

Bill "An Act To Preserve Patient Records"
H.P. 1396 L.D. 1994
(C "A" H-882)

Bill "An Act Regarding Storm Water Program Administration"
H.P. 1435 L.D. 2035
(C "A" H-879)

Bill "An Act To Amend the Laws Regarding Aquaculture Leases"
H.P. 1443 L.D. 2049
(C "A" H-880)

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

Senate As Amended

Bill "An Act To Encourage Energy Independence for Maine"
S.P. 731 L.D. 1931
(C "A" S-523)

Bill "An Act To Protect Victims of Domestic Violence"
S.P. 739 L.D. 1938
(C "A" S-525)

Bill "An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access"
S.P. 780 L.D. 2029
(C "A" S-526)

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.

Senate at Ease.

Senate called to order by the President.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Senator **DOW** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 11:30 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 (3/29/06) Assigned matter:

An Act To Require the Maine State Retirement System To Divest Itself of Holdings in Those Businesses or Corporations Doing Business in the Nation of Sudan and To Repeal Requirements Relating to Shareholder Initiatives by State Officials on State Investments in Northern Ireland

S.P. 675 L.D. 1758
(C "A" S-493)

Tabled - March 29, 2006, by Senator **STRIMLING** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-493).**)

(In House, March 28, 2006, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#357)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

ABSENT: Senators: BRYANT, SULLIVAN

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (3/27/06) Assigned matter:

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act To Provide for Victims of Trafficking" H.P. 893 L.D. 1296

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-864)**

Tabled - March 27, 2006, by Senator **HOBBS** of York

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 23, 2006, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864).**)

(In Senate, March 27, 2006, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-864) **READ.**

On motion by Senator **HOBBS** of York, Senate Amendment "A" (S-534) to Committee Amendment "A" (H-864) **READ** and **ADOPTED.**

Committee Amendment "A" (H-864) as Amended by Senate Amendment "A" (S-534) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/28/06) Assigned matter:

Bill "An Act To Extend Term Limits" H.P. 371 L.D. 496 (C "A" H-729)

Tabled - March 28, 2006, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**, in **NON-CONCURRENCE**

(In House, March 23, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, March 28, 2006, **READ A SECOND TIME.**)

Senator **WESTON** of Waldo moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#358)

YEAS: Senators: ANDREWS, BARTLETT, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, HASTINGS, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

NAYS: Senators: BRENNAN, BROMLEY, COWGER, DAMON, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BRYANT

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **WESTON** of Waldo to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED.**

The Chair laid before the Senate the following Tabled and Later (3/29/06) Assigned matter:

Emergency

An Act To Amend the Law Regarding Smoking in Private Clubs
H.P. 1342 L.D. 1901
(C "A" H-830)

Tabled - March 29, 2006, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830)**, in concurrence.)

(In House, March 28, 2006, **PASSED TO BE ENACTED**.)

On motion by Senator **MAYO** of Sagadahoc, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-537) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President. This is a very simple amendment. What it does is take the emergency off L.D. 1901. I would urge its passage. Thank you.

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

Senator **TURNER:** Thank you, Madame President. Are we dealing with the amendment or the main motion at this point?

THE PRESIDENT: We are dealing with adoption of the amendment.

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-537) **ADOPTED**.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. We've had considerable discussion regarding private clubs and I want to make sure that you clearly understand what you are now voting for. The bill that is before you now will weaken our prohibitions against smoking in private clubs and make it easier for smoking to be allowed. I think that is a mistake. It puts more workers at risk than the current law that is

on the books. There has been some discussion about voting and surprise expressed by some that a ballot not returned would be a no vote. It troubles me that you would be surprised by that because the current law requires the affirmative of all the members. You have to have 50 plus 1% of all the members of a club to vote to allow smoking. If you don't return a ballot, it obviously is counted as a no. Some of you may think that this is a very unique practice. In fact, it is a very common practice. I may have mentioned this in a previous discussion with the chamber. If you are a mutual fund owner or owner of a stock and you are asked by the board of directors of that mutual fund to vote on a matter it requires the affirmative action of all the registered shareholders. Some of you, in fact, may have had an occasion when your vote is solicited and you get a second solicitation. The reason you get that second solicitation is because the directors were not able to get an affirmative vote by the majority of the stockholders. This is a higher standard than some elections, but I think it is an important standard that should be preserved because we're dealing with the health of workers. I would ask that you reject the motion before us. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I would hope that this is the last bill dealing with this issue that this Body will have to listen to during this particular session. As someone who was involved with the current legislation, which also was presented to us by the good Senator from Cumberland, I think we made a serious mistake with that legislation when we established the situation that allowed the counting of ballots of people who did not vote. While I do not dispute that some, but not all, corporations act as the good Senator stated, that does not necessarily say that it has to be that way for clubs and organizations in the state of Maine. It has caused problems and it has caused confusion on the part of members of the Elks Clubs, the American Legion organizations, and other clubs and organizations in this state. I urge this Body to support the motion in front of us today, L.D. 1901 as amended, and I hope, as I said earlier, that this is the last time that this Body has to deal with this subject in the 122nd legislature. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **STRIMLING:** Thank you, Madame President. In reference to this voting procedure, about people not being there, and their votes being counted as no, is it not the case in this Body that sometimes you need 2/3 of the elected body, regardless of how many people are in their seats?

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: Thank you, Madame President. If I understood the question properly, the answer is yes, you sometimes require 2/3 of the entire Body to vote on something. If there are less than 35 Senators present and voting it would still require 24 votes for enactment or affirmation of something.

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

Senator **STRIMLING**: Thank you, Madame President. I, too, hope this is the last time we debate this. I would just say that if it is good for us, why is it not good for others? This is the same procedure we have in this Body. If we are saying that this is too cumbersome then I suppose we should get rid of that process here. Clearly it is okay for us. I think the standard should remain the same. Thank you.

On motion by Senator **BRENNAN** of Cumberland, 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 Turner.

Senator **TURNER**: Thank you, Madame President. While I rise first to agree with the good Senator from Sagadahoc, Senator Mayo, on something that he said this morning, I do think we should not see this before us again in this session. However, when he talks about some votes as I have described, I don't own all of the stocks on the New York Stock Exchange or all of the mutual funds as tracked by Morning Star, but I don't know of any who do not vote as I have suggested. Again, to think now we are just dealing with a matter of voting I think is shortsighted. This remains, as it always is, a matter of health. When you make it easier for smoking to be allowed where there are employees, you make it easier for sickness to follow. I would, again, urge you to vote against the matter before us. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS**: Thank you, Madame President. I never planned on speaking on this, but all this discussion about voting and whose vote counts, I don't know if we are going back to the year 2000 or what's happening. If you run for election in the state of Maine for any office, the voters are the stockholders. You only have to get a majority of those that vote. That's the people that usually are the ones that participate and the ones that are interested. I have a number of clubs. I think of East Millinocket Legion. I'm sure they have members all over the state and probably all over the world. There is just a group that goes there. Those who vote, it should be the majority of those votes. Thank you very much.

THE PRESIDENT: The Senator from Cumberland, Senator Turner, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. In response to the comments from the

good Senator from Piscataquis, Senator Davis, I would like to add something else for your consideration. He is indeed, correct that the standard we have for election is relatively low. It's a majority of those who show up and vote. There are many other situations where you need a minimum threshold in order for a vote to count. That can be on matters involving referenda questions at the municipal level or at the state level. We do have varying standards and I acknowledge the standard that he mentioned. However, I would suggest to you, as we have many times before, when it comes to dealing with employee health, the standard should be higher. Again, I ask that you vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#359)

YEAS: Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, WESTON, WOODCOCK

NAYS: Senators: BRENNAN, BROMLEY, COWGER, DAMON, DOW, MILLS, ROTUNDO, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AND SENATE AMENDMENT "A" (S-537), in NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/29/06) Assigned matter:

An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless
H.P. 1442 L.D. 2046

Tabled - March 29, 2006, by Senator **DAVIS** of Piscataquis

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 28, 2006, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#360)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COURTNEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NUTTING, PERRY, RAYE, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, DAVIS, HASTINGS, NASS, PLOWMAN, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (3/27/06) Assigned matter:

Bill "An Act To Amend the Laws Governing All-terrain Vehicles" S.P. 722 L.D. 1922 (C "A" S-494)

Tabled - March 27, 2006, by Senator **BRYANT** of Oxford

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494)**

(In Senate, March 22, 2006, **READ A SECOND TIME.**)

Senator **GAGNON** of Kennebec moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President and members of the Senate. This was one of those times when a bill achieves its purpose without having to be passed into law. I sponsored this bill to clarify both the legislative intent and the actual law that restricts the use of ATVs on another's land. The so-called new ATV law that passed last year created a conflict with those who owned rights-of-way over another's land. The question is whether the new law supersedes the deeded right-of-way one may have over a specific roadway, in this case a camp road, when that right-of-way had no ATV limitation either specified in the deed or in historical practice prior to the effective date of the new law. That law that we are referring to is Title 12, Part 13, Subpart 6, Chapter 939, Subsection 13157A. During the public hearing and

subsequent work sessions of the Inland Fisheries and Wildlife Committee, the question was clearly answered. First, a representative from the Attorney General's Office clearly explained how the new law did not and could not supersede an individual's purchased right to travel without permission over that right-of-way. The law did not set up a situation where the actual landowner, after selling a right-of-way for all other forms of passage such as an automobile, snowmobile, even cross-country skis, could then sell that same right-of-way for the passage by an ATV. It did not create a situation that would justify any change to prevailing road usage requirements that existed prior to its enactment just last year. Preexisting requirements, such as speed limits, weight limits, fire protection requirements, road conditions, safety considerations, and public access limits, are reasonable, but to subsequently ban access by ATVs to a deeded right-of-way owner is unreasonable and not within the scope of the law. After extensive deliberation and a subsequent vote, the committee clarified its intent that the new ATV law was not intended to disrupt previous land use agreements, specifically those negotiated, agreed upon, transacted, and eventually incorporated into a deed and properly registered within a respected county registry. I applaud the committee's thorough review of this issue. With their action, the publicly stated opinion, the Attorney General's Office, and these remarks on the record here in the Senate, legislative intent is cemented so there is no longer any need for this bill. Those responsible for enforcing ATV laws must be mindful of not only the rights of the landowner but of the rights purchased by others from the landowner. In short, they must allow those with right-of-ways to use ATVs over that right-of-way, assuming they are operating their ATV within other legal frames. Doing otherwise would be contrary to legislative intent, contrary to the AG's opinion, and an obvious gross misallocation of resources. Thank you, Madame President.

On motion by Senator **GAGNON** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

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

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Drew Plantation"

S.P. 679 L.D. 1762

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-511)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 30, 2006, by Senator **SCHNEIDER** of Penobscot

Pending - **FURTHER CONSIDERATION**

(In Senate, March 27, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, March 29, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**, in **NON-CONCURRENCE**.)

Senator **SCHNEIDER** of Penobscot moved the Senate **ADHERE**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. This is the bill that we considered earlier this week. We will recall that we considered two pieces of legislation relating to deorganization. The Senate narrowly defeated this one and more widely defeated the other. I just want to say to people who are concerned about the impact of the deorganization of a town or other towns, I think the message was sent with the defeat of the Cooper deorganization. With respect to Drew Plantation, there are dozens and dozens of unorganized townships that are larger than Drew Plantation. This tiny little town, tucked in the corner of Penobscot, Aroostook, and Washington Counties where they meet, had 57 souls at the last census. We were told at the public hearing before the State and Local Government Committee that it is less than that now as the town continues its decline. The nearest large community, to put this in perspective for people, is the metropolis of Wypitlock. When I say nearest I use the term loosely. This is an area that is very much in character and geographically connected to the unorganized territory. I would ask that you join with me in supporting it.

Same Senator moved the Senate **RECEDE** and **CONCUR**.

Senator **GAGNON** of Kennebec moved the Senate **RECEDE**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. I would like to urge those of you who have concerns about Drew Plantation to perhaps join me and vote in favor of receding on this issue because I believe that if we take the tax incentive away, then we will know for sure if Drew really wants to deorganize for

the reasons that are stated by my good colleague from Washington, Senator Raye. I have grave concerns; I've shared them with you before, about communities becoming, essentially, wards of the state and that this is not the direction I believe we want to go. I think that there is going to be an impact if we move in favor of the Senator from Washington, Senator Raye's proposal. I would urge you to support the motion before us. Thank you.

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.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE**. (Roll Call Ordered)

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Friday, March 31, 2006, at 10:00 in the morning.