

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
April 8, 2008

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

Prayer by Pastor Mark Wilson of Phippsburg Congregational Church, UCC.

PASTOR WILSON: Good morning. Every year I drive up an hour from Phippsburg to engage in the privilege of addressing you and I bring you two words, thank you. As in my line of work, chances are more often than not what you hear are the complaints and criticisms of this world. I want to say thank you on behalf of the town of Phippsburg and the people of the state of Maine for doing what you do for us. Thank you.

Let us speak of the chitta, the monkey mind, our consciousness that is always flitting from one branch to another or one place to another; ideas that don't seem to sit still in our heads. I thought, given your workload and given the power that I have in this moment, I would ask you to be quiet for one minute during our prayer this morning. Let us be still and know that God is. Let us be in the spirit of prayer together, please. Amen.

Reading of the Journal of Monday, April 7, 2008.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Establish the Maine Tree Growth Tax Law Review Committee

H.P. 421 L.D. 543
(S "A" S-526 to C "A" H-656)

In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "A" (S-526)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-956)** thereto, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 922

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 7, 2008

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

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has withdrawn his nomination of Diana Scully for appointment to the Maine Indian Tribal-State Commission, pursuant to Title 3 M.R.S.A. § 154.

This nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: H.C. 510

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 7, 2008

Honorable Joy J. O'Brien
Secretary of the Senate
123rd Maine Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby the Unanimous Ought to Pass as Amended Report of the Committee on Labor was read and rejected and Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran" (S.P. 745) (L.D. 1934) and accompanying papers were indefinitely postponed.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 511

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 7, 2008

Honorable Joy J. O'Brien
Secretary of the Senate
123rd Maine Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (H.P. 1602) (L.D. 2241)(EMERGENCY) was Passed to be Engrossed as Amended by Committee Amendment "A" (H-762) as Amended by House Amendment "A" (H-849) thereto.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

**Pursuant to Joint Order
Joint Standing Committee on Criminal Justice and Public
Safety**

Senator DIAMOND for the **Joint Standing Committee on Criminal Justice and Public Safety**, pursuant to Joint Order, S.P. 890 asked leave to report that the accompanying Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities (EMERGENCY)

S.P. 923 L.D. 2312

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The 93rd Anniversary of the Armenian Genocide. On April 24, 1915, a campaign was launched by the Turkish regime of the Ottoman Empire against the Armenian people, resulting in the death of more than 1.5 million Armenians. Some of the survivors settled in the State of Maine and their heirs have made significant contributions to the State. We join our citizens of Armenian heritage on April 24th in remembering this event, and we express our deepest sympathy for the families of those who perished;
SLS 581

Sponsored by Senator BRANNIGAN of Cumberland.
Cosponsored by Senator: President EDMONDS of Cumberland,
Representative: Speaker CUMMINGS of Portland.

READ.

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

Senator **BRANNIGAN:** Thank you, Madame President. Every year we take a pause to remember this event that happened in 1915. It is an opportunity to remember genocides. You have to think about how many have happened since 1915. This was a horrible event and we have some of the folks here who have experienced that in their history. Since 1915 how many genocides? This is a killing, on purpose, of hundreds and thousands of people. What is it with us human beings that we have to go to war, we have to fight, and we have to even go to this unbearable event, which is genocide? In our time there have been so many. What is it with us? How horrible these things are. Every year we should at least remember them as we honor these folks and as we honor other people who have had their race go through genocide. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Gerard Kiladjian, Ellen Mugar, Laura Tevanian Labbe, Robert Tevanian, John Malconian, Peter Drivas, Marion Agazarian, and Deloris Drivas. Would they please rise and accept the greetings of the Maine Senate.

Billy Gauthier, of York, a sophomore at York High School, who has won all three matches at the 125-pound weight level at the 2008 Class B State Wrestling Championship. We extend our congratulations to Billy on this achievement;

SLS 583

Sponsored by Senator BOWMAN of York.
Cosponsored by Representatives: HILL of York, WEAVER of York.

Regan Cleminson, of York, a student at York High School, who won the high jump at the 2008 Girls Class B Track State Championship. We extend our congratulations to Regan on this achievement;

SLS 584

Sponsored by Senator BOWMAN of York.
Cosponsored by Representatives: HILL of York, WEAVER of York.

Chelsey Tewell, of York, a student at York High School, who won back-to-back State Championships in the 55-meter hurdles and the 55-meter dash at the 2008 Girls Class B Track State Championship. We extend our congratulations to Chelsey on this achievement;

SLS 585

Sponsored by Senator BOWMAN of York.
Cosponsored by Representatives: HILL of York, WEAVER of York.

READ.

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

Senator **BOWMAN:** Thank you, Madame President, men and women of the Senate. About a month ago I told you how great the York athletics program was, which complements its high academic performance also. Today we have three shining examples in track and field and in wrestling, plus we have the wrestling coach and the athletic director from York High School. I just want you to take note of these people. You will see them again. York is on the move. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Billy Gauthier, Regan Cleminson, and Chelsey Tewell. They are accompanied by wrestling coach, Wally Caldwell, and track coach, Ted Hutch. Would they all please rise and accept the greetings of the Maine Senate.

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

Senator **MITCHELL:** Thank you, Madame President. Today is Maine Wildlife Appreciation Day. On behalf of my constituent, Mr. Gowler of China, Maine, they are located in the Hall of Flags today and hoping that you will join them to see their displays. I just wanted to read this one sentence. I will make available to you copies if you are interested. 'Therefore, I, John E. Baldacci, Governor of the State of Maine, do hereby proclaim April 8, 2008 as Maine Wildlife Appreciation Day throughout the state of Maine and urge all citizens to recognize Maine's wildlife and the importance of non-consumptive uses of our wildlife resources to our ecosystem and economy.' Thank you.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Care for Working Families"

H.P. 1024 L.D. 1454

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-636).**

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
TUTTLE of Sanford
CLARK of Millinocket
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
HASKELL of Portland
HAMPER of Oxford
DUPREY of Hampden

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

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State"

H.P. 1481 L.D. 2095

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-901)**.

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York

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
JOHNSON of Greenville

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-901)**.

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.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

H.P. 1648 L.D. 2285

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-943)**.

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York
DOW of Lincoln

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
THOMAS of Ripley
HASKELL of Portland
DUPREY of Hampden
BURNS of Berwick
JOHNSON of Greenville
DRISCOLL of Westbrook

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

Signed:

Representative:

HAMPER of Oxford

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

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

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

Divided Report

Seven members of the Committee on **JUDICIARY** on Bill "An Act To Guarantee Free Speech in Privately Owned Public Gathering Places"

H.P. 1065 L.D. 1540

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
MILLS of Farmington
JACOBSEN of Waterboro
BERUBE of Lisbon
GOULD of South Berwick
NASS of Acton

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 "A" (H-876)**.

Signed:

Senators:

HOBBINS of York
NUTTING of Androscoggin

Representatives:

BRYANT of Windham
CASAVANT of Biddeford

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-877)**.

Signed:

Representatives:

DUNN of Bangor
DILL of Cape Elizabeth

(Representative LORING of the Penobscot Nation - of the House - supports Report "A" **Ought Not To Pass**.)

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

Reports **READ**.

On motion by Senator **HASTINGS** of Oxford, Report "A", **OUGHT NOT TO PASS ACCEPTED**, in concurrence.

Divided Report

Eight members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Essential Programs and Services Funding Formula"

H.P. 759 L.D. 1041

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Two 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-909)**.

Signed:

Senator:

MILLS of Somerset

Representative:

FINCH of Fairfield

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-910)**.

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

One member of the same Committee on the same subject reported in Report "D" that the same **Ought to Pass as Amended by Committee Amendment "D" (H-911)**.

Signed:

Representatives:

MAKAS of Lewiston

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

Reports **READ**.

On motion by Senator **BOWMAN** of York, Report "A", **OUGHT NOT TO PASS ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Provide Ongoing Funding for the Historic Preservation Tax Credit"

S.P. 802 L.D. 2008

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-573).**

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

READ ONCE.

Committee Amendment "A" (S-573) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)
H.P. 1667 L.D. 2307

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **REFERENCE**, in **NON-CONCURRENCE**.

Bill "An Act To Stabilize the Department of Inland Fisheries and Wildlife's Bureau of Warden Service and Fisheries and Hatcheries Division"

H.P. 1668 L.D. 2308

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:15 in the morning.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Definition of 'Penobscot Indian Reservation'"
H.P. 1666 L.D. 2306

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Enhance the Security of State Credentials"
H.P. 1669 L.D. 2309

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Invest in Maine's Young Children"

H.P. 1671 L.D. 2311

Reported that the same **Ought to Pass**, pursuant to Resolve 2007, chapter 136.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **TAXATION** on Bill "An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes"
H.P. 1670 L.D. 2310

Reported that the same **Ought to Pass**, pursuant to Joint Order 2007, H.P. 1233.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1621 L.D. 2258

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.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry"

H.P. 1554 L.D. 2184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-953)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)**.

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

READ ONCE.

Committee Amendment "A" (H-953) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations"

H.P. 1557 L.D. 2187

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-949)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-949)**.

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

READ ONCE.

Committee Amendment "A" (H-949) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create the Mental Health Homicide Review Board"
H.P. 1389 L.D. 1951

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-950)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950)**.

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

READ ONCE.

Committee Amendment "A" (H-950) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act Concerning Public Records Exceptions"
H.P. 1579 L.D. 2212

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-957)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957)**.

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

READ ONCE.

Committee Amendment "A" (H-957) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Aid Victims of Identity Theft in Securing a Police Report and To Aid Victims in Court Proceedings When Their Identities Have Been Stolen and Falsely Used"

H.P. 1586 L.D. 2220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-958)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-958)**.

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

READ ONCE.

Committee Amendment "A" (H-958) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Amend the Municipal Tree Growth Reimbursement Formula"
H.P. 1639 L.D. 2274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-952)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**.

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

READ ONCE.

Committee Amendment "A" (H-952) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Improve the Administration of State-Municipal Revenue Sharing"
H.P. 1641 L.D. 2276

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-951)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951)**.

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

READ ONCE.

Committee Amendment "A" (H-951) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, To Prevent Domestic Violence and Protect Our Citizens
S.P. 784 L.D. 1990
(C "A" S-525)

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I just wanted to speak about this. It is a bill that I think will help domestic violence protection. It came about from a constituent in my area whose niece was the young woman killed in Wells last summer or the summer before. I don't recall now, time escapes me. She had gone back to try to work out some money issues and the husband killed her and then himself; leaving two small children orphaned. Depending on where you live and what is done, some people would have had a help line immediately. This bill was totally crafted in the wording from the Commissioner. Commissioner Jordan has done an excellent job on this. She has been able to get a grant from the federal government. There is not a penny out of it from the Maine coffers. She got federal grants to deal with this, to do a study to make sure we have a procedure as to what happens, and hopefully it will protect our children. The Commissioner was fantastic, as was the Chair of the Criminal Justice Committee, the good Senator from Cumberland, Senator Diamond. I thank him and the committee for working on this. I think it probably got a

unanimous report because I was busy during the work session and they didn't have to hear from me. Thank you so much to Commissioner Jordan, if she's listening, and also to the Senate Chair and all of the members of the Criminal Justice Committee.

On motion by Senator **TURNER** 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 (#395)

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

NAYS: Senators: None

ABSENT: Senator: BROMLEY

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Acts

An Act To Adopt the Revised Uniform Anatomical Gift Act
S.P. 528 L.D. 1505
(C "A" S-527)

An Act To Establish a Consumer Council System of Maine
S.P. 761 L.D. 1967
(C "A" S-547)

An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children
S.P. 794 L.D. 2000
(C "A" S-552)

An Act To Amend the Tournament Games Laws
S.P. 849 L.D. 2206
(C "A" S-546)

Signed:

Senator:
PLOWMAN of Penobscot

An Act To Amend the Laws Governing Reports Related to Natural Resources
S.P. 862 L.D. 2230
(C "A" S-544)

Representatives:
MOORE of Standish
NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

An Act To Modernize the Local Health Officer Statutes
S.P. 915 L.D. 2294

Reports **READ**.

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

Senator **MARRACHÉ** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

An Act To Create the Maine Council on Poverty and Economic Security
S.P. 362 L.D. 1110
(C "A" S-548)

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

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence.

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize Low-stakes Cribbage Games by Charitable and Fraternal Organizations"
S.P. 814 L.D. 2134

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-576)**.

Signed:

Senators:
MARRACHÉ of Kennebec
PLOWMAN of Penobscot

Representatives:
MOORE of Standish
NASS of Acton
TRINWARD of Waterville
TUTTLE of Sanford
PINKHAM of Lexington Township
CAREY of Lewiston
FITTS of Pittsfield

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

Signed:

Senator:
BRYANT of Oxford

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Direct-to-consumer Wine Sales"
S.P. 781 L.D. 1987

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

Signed:

Senators:
MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:
WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-575)**.

Representatives:
WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford

Reports **READ**.

On motion by Senator **MARRACHÉ** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-576) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Send down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Clarify the Application of Prevailing Wage Requirements" H.P. 328 L.D. 412

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-640)** (7 members)

Minority - **Ought Not to Pass** (5 members)

In House, March 4, 2008, 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)**.

In Senate, April 7, 2008, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **MARTIN** of Aroostook, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products" (EMERGENCY)

H.P. 1576 L.D. 2209

Report **"A" - Ought Not to Pass** (6 members)

Report **"B" - Ought to Pass as Amended by Committee Amendment "A" (H-871)** (5 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "B" (H-872)** (2 members)

In House, April 4, 2008, Report **"C"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)** thereto.

In Senate, April 7, 2008, Report **"A"**, **OUGHT NOT TO PASS** **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

Senator **DAMON** of Hancock moved the Senate **INSIST**.

Senator **MARTIN** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **DAMON** of Hancock, 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 (#396)

YEAS: Senators: BARTLETT, BRYANT, COURTNEY, GOOLEY, HOBBS, MARTIN, MILLS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SCHNEIDER, SHERMAN, SMITH, SULLIVAN, WESTON

NAYS: Senators: BENOIT, BOWMAN, BRANNIGAN, DAMON, DIAMOND, DOW, HASTINGS, MARRACHE, MCCORMICK, MITCHELL, NASS, ROTUNDO, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Aroostook to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **INSIST**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code" (EMERGENCY)
H.P. 1524 L.D. 2145

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
CLARK of Millinocket
WATSON of Bath
PILON of Saco

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-942)**.

Signed:

Senator:

NASS of York

Representatives:

KNIGHT of Livermore Falls
WOODBURY of Yarmouth
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus

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

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes"

H.P. 1428 L.D. 2044
(C "A" H-873)

In Senate, April 2, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873) AS AMENDED BY HOUSE AMENDMENT "A" (H-907)** thereto, in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1664

JOINT RESOLUTION RECOGNIZING MAINE ATTORNEYS SAVING HOMES

WHEREAS, the fair and equitable application of the rule of law is essential to preserving and protecting the rights and liberties of a free people; and

WHEREAS, the Maine bar has a long and honorable tradition of ensuring that all members of the public have equal protection under the law and access to lawyers when legal services are necessary; and

WHEREAS, the widening foreclosure crisis in Maine and around the country has brought the prospect of foreclosure to the doorstep of an unprecedented number of Maine families, threatening the loss of their principal financial asset, their homes; and

WHEREAS, the Mortgage Bankers Association reports that the number of foreclosures in Maine is higher than at any other time since it began keeping records in 1979, and the number is increasing faster than the national average; and

WHEREAS, the vast majority of lenders in Maine have served their communities well and have participated in constructive ways to address the problem of home foreclosures; and

WHEREAS, foreclosure cases often require specialized legal training and preparation; and

WHEREAS, the public interest as well as the interests of all parties involved in foreclosure proceedings are best served when trained, professional assistance is equally available to the homeowner as it is to the lender or any other stakeholder; and

WHEREAS, the Maine Volunteer Lawyers Project and Pine Tree Legal Assistance have answered the call for increased pro bono assistance by forming Maine Attorneys Saving Homes, known as MASH; and

WHEREAS, the Maine Bar Foundation and the Office of the Attorney General have provided vital support for the MASH project; and

WHEREAS, the MASH project promises to effectively build the legal capacity to provide pro bono legal assistance to homeowners facing foreclosure; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to honor the Maine bar for its long tradition of providing pro bono legal services to those in need; and be it further

RESOLVED: That we recognize the vital efforts of Maine Attorneys Saving Homes as the members strive to ensure legal representation for Maine homeowners facing foreclosure and we encourage all professionals with relevant experience and training to contribute their time and talents to the fair and just resolution of home foreclosure proceedings; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Volunteer Lawyers Project, Pine Tree Legal Assistance, the Maine Bar Foundation and the Office of the Attorney General.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Facilitate the Timely Reopening of Closed Clam Flats" (EMERGENCY)

H.P. 1422 L.D. 2038
(C "A" H-741)

In Senate, April 1, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY HOUSE AMENDMENTS "B" (H-947) AND "C" (H-954)** thereto, in **NON-CONCURRENCE**.

Senator **DAMON** of Hancock moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **RECEDE** and **CONCUR**.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Certificate of Need Act of 2002" (EMERGENCY)

H.P. 1659 L.D. 2301

Reported that the same **Ought to Pass**, pursuant to Resolve 2007, chapter 110.

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-960)**.

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

READ ONCE.

House Amendment "A" (H-960) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure That Children's Toys and Products Are Free of Lead"

H.P. 1437 L.D. 2053

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-930)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930) AS AMENDED BY HOUSE AMENDMENT "A" (H-955)** thereto.

Report **READ**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Consumers' Gift Card Interests"
H.P. 1551 L.D. 2181

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-940)**.

Signed:

Senators:

- HOBBINS of York
- NUTTING of Androscoggin

Representatives:

- SIMPSON of Auburn
- BRYANT of Windham
- MILLS of Farmington
- DUNN of Bangor
- DILL of Cape Elizabeth

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

Signed:

Senator:

- HASTINGS of Oxford

Representatives:

- CASAVANT of Biddeford
- NASS of Acton
- BERUBE of Lisbon
- JACOBSEN of Waterboro
- GOULD of South Berwick

(Representative **LORING** of the Penobscot Nation - of the House - supports the Minority **Ought Not To Pass** Report.)

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-940)**.

Reports **READ**.

Senator **HOBBINS** of York 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.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Teacher Confidentiality Laws"
S.P. 912 L.D. 2291

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-577)**.

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
- STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-578)**.

Signed:

Senator:

- MILLS of Somerset

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)** Report.

On motion by Senator **MILLS** of Somerset, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)** Report.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **BARTLETT** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Promote Municipal Wind Generation Development"

S.P. 893 L.D. 2266

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-579)**.

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

READ ONCE.

Committee Amendment "A" (S-579) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Senator **BARTLETT** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Ensure Equitable Payment for E-9-1-1 Services" (EMERGENCY)

S.P. 905 L.D. 2279

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-580)**.

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

READ ONCE.

Committee Amendment "A" (S-580) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

ORDERS OF THE DAY

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

Bill "An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes"

H.P. 1428 L.D. 2044
(C "A" H-873)

Tabled - April 8, 2008, by Senator **BRANNIGAN** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 2, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873)**, in concurrence.)

(In House, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873) AS AMENDED BY HOUSE AMENDMENT "A" (H-907)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (4/2/08) Assigned matter:

HOUSE REPORT - from the Committee on **MARINE RESOURCES**, on Bill "An Act To Amend Maine's Scallop Laws"
H.P. 1455 L.D. 2071

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-863)**

Tabled - April 2, 2008, by Senator **WESTON** of Waldo

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

(In House, April 1, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863) AND HOUSE AMENDMENT "A" (H-889)**.)

(In Senate, April 2, 2008, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#397)

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

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

ABSENT: Senator: BROMLEY

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863)** Report **FAILED ACCEPTANCE**, in **NON-CONCURRENCE**.

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

Senate at Ease.

Senate called to order by the President.

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

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure That Children's Toys and Products Are Free of Lead"
H.P. 1437 L.D. 2053

Report - the same **Ought to Pass as Amended by Committee Amendment "A" (H-930)**

(In House, April 8, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930) AS AMENDED BY HOUSE AMENDMENT "A" (H-955)** thereto.)

(In Senate, April 8, 2008, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-930) **READ**.

House Amendment "A" (H-955) to Committee Amendment "A" (H-930) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-930) as Amended by House Amendment "A" (H-955) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930) AS AMENDED BY HOUSE AMENDMENT "A" (H-955)** thereto, in concurrence.

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

Off Record Remarks

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

H.P. 1648 L.D. 2285

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-943)** (11 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - April 8, 2008, by Senator **STRIMLING** of Cumberland

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

(In House, April 7, 2008, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.)

(In Senate, Reports **READ**.)

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**

READ ONCE.

Committee Amendment "A" (H-943) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-943)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Facilitate the Timely Reopening of Closed Clam Flats" (EMERGENCY)

H.P. 1422 L.D. 2038
(C "A" H-741)

Tabled - April 8, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **DAMON** of Hancock to **RECEDE** and **CONCUR**

(In Senate, April 1, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)**, in concurrence.)

(In House, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY HOUSE AMENDMENTS "B" (H-947) AND "C" (H-954)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED**.

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

COMMUNICATIONS

The Following Communication: S.C. 761

STATE OF MAINE ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

April 7, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2029 An Act To Reduce Property Taxes, Eliminate Duplication and Streamline Government by Unifying the State Prisons and County Jails

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

Sincerely,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Stanley J. Gerzofsky
House Chair

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

The Following Communication: S.C. 762

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

April 7, 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. 2153 An Act To Improve the Organizational Structure of the Department of Health and Human Services

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. 763

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

April 7, 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. 2261 An Act To Allow a Casino in Oxford County

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. 764

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

April 7, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1582 An Act Reduce Maine's Tax Burden over a 10-year Period

L.D. 1833 An Act To Provide Property Tax and Income Tax Relief

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. John F. Piotti
House Chair

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

The Following Communication: S.C. 765

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

April 7, 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2292 Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities (EMERGENCY)

S.P. 923 L.D. 2312

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

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFISKY of Brunswick
BLANCHETTE of Bangor
GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
SYKES of Harrison
HASKELL of Portland
KAENRATH of South Portland

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

Signed:

Representative:

TIBBETTS of Columbia

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Teacher Confidentiality Laws"

S.P. 912 L.D. 2291

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-577)** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-578)** (1 member)

Tabled - April 8, 2008, by Senator **MILLS** of Somerset

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)** Report

(In Senate, April 8, 2008, Reports **READ**.)

Senator **BOWMAN** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)** Report.

Senator **MILLS** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-578)** Report.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. This issue of confidentiality, as it applies to the records and proceedings relating to certification of teachers, has a lengthy history, to those of us who lived through the fingerprinting debates, because one of the issues that kept cropping up in the fingerprinting debates was how many teachers are there who lose certificates from time to time. How many are there that have their certificates turned in or are suspended and so forth? We found, to our great surprise, that state law does not grant public access, even to statistical information, about the removal of teachers' certificates. It goes further. Current law, which is a very old law that we think goes back to the early part of the 20th century, renders completely confidential any information about the status of a teacher's certificate. The Administration presented to the Education Committee the other day a bill that we got very late in the session, but that's all right because we're used to these things. This bill would at least permit, and is what the Majority Report permits, the Department to reveal to another jurisdiction that the certificate has been suspended or revoked. Having heard the presentation from the Department, I thought to myself that it seemed to me that something further ought to be released or revealable and I began to look around at other statutes where these issues are dealt with. We lawyers live under such rules. There are about 4,000 of us in the state. I have had the pleasure of representing some of my fellow professionals in their ethical proceedings and have become intensely aware, through the publicity that is available, of just how much trouble people in my profession can get into from time to time. There being only about 4,000 of us and there are something like 27,000 teachers, I'm extrapolating and thinking that, even as well behaved as we know teachers are in comparison to members of my own profession, surely there is opportunity for mischief there. I won't even go into the various clerical settings and other professions that we've all become aware of through publicity. In any case, there are certain elements to any good professional confidentiality law that are entirely missing from state law in regard to teachers. It is not my goal to try to carry this too far or to shine an adverse light on this profession or any other.

We didn't really have a chance to discuss the Minority Report in committee because it was the end of session and the bill came late. The opportunity to give it any kind of committee time was quite limited. I am offering it to you this afternoon because I think it's important. Let me just touch on why I think it is. Just a couple of points. If there is a complaint made about a teacher stealing money from the French Club, getting involved with a student, or being involved in some other nefarious activity the current law does not even permit the Commissioner of Education to report that to law enforcement or to even cooperate with law enforcement except to receive information from the police. I confirmed this with the Commissioner. It is her practice to simply passively listen to any information that she can glean from a parallel investigation by law enforcement, but she's not at liberty, under current law, to reveal anything that she knows that might be helpful or important to a law enforcement investigation. One of the things that this Minority Report does is it says the

Commissioner has, or would have, the power or latitude to discuss or reveal relevant information only to those law enforcement agencies that need it in aid of their investigation.

There is another issue. What happens if a teacher has a certificate in two or more jurisdictions? Say they are licensed to teach in Massachusetts and also licensed to teach in Maine? They get into trouble here in Maine. This happens to lawyers and accountants as well. The first thing you do if you are advising such a person is tell them to surrender their certificate immediately if the evidence is pretty strong and pray that they don't exercise any right of reciprocity so that they could then move to Massachusetts and continue teaching, practicing law, practicing accountancy, or what have you. We used to have this problem with OUIs 30 years ago. Hunters would come up here. They'd get caught drunk driving. Maine would suspend their right to operate on Maine roads for a year and they would stay in Massachusetts for a year and nothing bad happened. Finally the states got their act together and we now have reciprocity on OUI laws. What about the protection of children? If there is a teacher in Maine that gets into some kind of trouble and the only thing that the Commissioner is authorized to talk about to another jurisdiction is the fact that the license is no longer valid in Maine, beyond that the Commissioner's lips are sealed. That is the Majority Report. The grounds for the termination, the factual underpinnings of the complaint, the opportunity for reciprocity, the public moral duty to see that there is reciprocity, and that this license is pulled in another jurisdiction is completely absent from the Majority Report. It is dealt with very narrowly, and adequately, in the Minority Report.

These are some of my concerns as I saw this happening and the public hearing on this bill was only something like a week ago. I think that if you took the trouble to look at the text of the Minority Report, which is very brief, you will see that it is a significant improvement over the bill that was presented to us by the Administration that did not, in my view, adequately deal with this very sensitive area. The reason I spent all of our time on this, and it's been 10 or 15 minutes, at the end of the session is that I don't think this is something that should wait until next year, to put a bill in next year to discuss and maybe we'll pass something at that time. I think there is an opportunity, in the current law and under the Majority Report, for some bad things to happen that we can prevent. We can prevent it by passing a law that gives the Commissioner a somewhat broader authority to deal with disciplinary issues in those rare occasions when it is required. It's required in all professions, trust me because I've represented accountants, lawyers, and many other professions. I should not forget doctors. I see one or two. It happens in all professions. We have people who get addicted to drugs or alcohol, who have problems that should be reported in some sensitive way and it is just part of the society in which we live in. We need to have a system in place. Our duty as legislators is to have a system in place that allows our public officials to deal with these issues sensitively and appropriately and protect the public as well as the professionals whose reputations and lives are at stake. I am offering up the Minority Report in that vein and urge your affirmative vote on my motion. I want to thank my fellow committee members for allowing me this opportunity. I could have offered it as an amendment but it would have been a needless exercise for the Revisor's Office to prepare it as an amendment. I appreciate the opportunity to offer the minority view. Thank you.

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 PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I will start by admitting that I was absent from the public hearing and I'm not nearly as knowledgeable as my good colleagues who serve on the committee. I have been spending time reading both the Minority Report and the Majority Report and I'm particularly concerned. I do understand the need. The Governor brought this bill forward. We were the only state in the country that did not share with this national teacher certification organization if a teacher in Maine had been suspended or had their license revoked. The bill that we brought forward, the Majority Report, which I might mention is a 12 -1 report, says that we will participate because we want to be sure that people who are hiring teachers from Maine have knowledge. I think it would be incumbent upon anyone hiring a teacher from Maine, if they show up in this database, who have lost their license, or have not been hired back, to interview them and to find out why. I'm not sure how much further our responsibility goes in revealing confidential information because the level of violation or whatever else could be diminutive to very serious. I think there is some responsibility here. I guess the main thing I'm concerned about, although I have the utmost respect for the judicial skills of the good Senator from Somerset, Senator Mills, is that this is a 12 - 1 report about a very complicated matter which we have not had time to deliberate. I have been chastised many times on the floor of this Chamber for that kind of precipitous action. This is very serious stuff. We're all concerned about confidentiality. I think the committee made a very strong statement in the Majority Report that we did believe that information concerning a teacher's revocation, suspension, or denial of renewal would be in this national database, available for anybody seeking to hire a Maine person. I am comfortable only with going that far and I would urge you to vote against the Minority Report and at least begin with the Majority Report that puts us into the national database of sharing information that is helpful.

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

Senator **BOWMAN:** Thank you, Madame President, men and women of the Senate. I think there are several things that have been stated previously but I believe that they need to be stated again. This bill is like several others, maybe many others, that came to us late in the session and that do not get sufficient vetting and involvement by committee members. It's a fact of life, but it doesn't make it right. This really applies to this bill here. Something needs to pass on this subject because Maine is the last of the states to join with the other states in sharing this information. The Majority Report did that but did not disclose beyond a certain point. The thing that appeals to me in the Minority Report is that, and these are my words and I'm not a lawyer, it levels the playing field among professions. That has a certain appeal to me.

Going back to my first point, and the good Senator from Somerset, Senator Mills, could correct me on this, as my

recollection serves me there was not much of an opportunity for him to discuss his position and I think that, in a large part, contributed to the lopsided vote as it was taken.

THE PRESIDENT: The Chair would remind people to speak through the Chair and if they have a direct question they can ask it to anyone.

Senator **BOWMAN:** Thank you, Madame President. I'm just trying to say that this is what I recalled. I don't think it's terribly important but I wanted to put it out on the record. Thank you very much for the opportunity.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (S-578) 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 (#398)

YEAS: Senators: BENOIT, BOWMAN, BRANNIGAN, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BRYANT, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: BROMLEY, SCHNEIDER

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MILLS** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-578)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (S-578) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Wednesday, April 9, 2008, at 10:00 in the morning.