

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

In Senate Chamber
Wednesday
April 4, 2007

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

Prayer by Reverend Peter Panagore of First Radio Parish Church of America.

REVEREND PANAGORE: Good morning. Senators, please join me in prayer. Dear God, as if for me, springtime leaps, released even as a final snowfalls with 7,000 x 70 flakes a second as far as my eye can see. Whirls of swirls, long loping locks, and slow curls of flakes float downwards or fly fast, forced by gusty winds that irregularly and lightly lift in upward eddies. Single snowdrops for observation and adoration, 539,000 snowflakes are crisscrossing my visual horizon in a tumble of ordered chaos, uniformly falling at random with each piece melting on contact with the wet warming earth. You, God, count snowflakes and humans without number. You know us from our first springing into being. You love us through all our free falling lives, including our inevitable melting into earth. Not a snowflake falls that is not known. Not a human lives who is not loved. Enliven us with Your knowing and embolden us with Your loving, that in all we see and in all we do we see and act for You. Amen.

Reading of the Journal of Tuesday, April 3, 2007.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides" (EMERGENCY)

H.P. 665 L.D. 875
(C "A" H-38)

In Senate, March 29, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-38)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-46)**, in **NON-CONCURRENCE**.

On motion by Senator **NUTTING** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Provide Greater Information Pertaining to the Health of Maine Children"

H.P. 1241 L.D. 1774

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

On motion by Senator **MARRACHÉ** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

COMMUNICATIONS

The Following Communication: S.C. 162

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 2, 2007

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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 60 | An Act To Authorize a General Fund Bond Issue for Maine's Roads and Bridges |
| L.D. 188 | An Act To Authorize a General Fund Bond Issue for Public Transportation in Rural Areas |
| L.D. 292 | An Act to Authorize a General Fund Bond Issue To Help Construct a Recreation Center for the City of Presque Isle |
| L.D. 335 | An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy |
| L.D. 357 | An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program |

L.D. 376	An Act To Authorize a General Fund Bond Issue To Capitalize the Maine Marine Research Fund	L.D. 1149	An Act To Authorize a General Fund Bond Issue To Improve Child Care Facilities in Maine
L.D. 417	An Act To Authorize the Issuance of a Highway Fund Bond Issue for Maine's Roads and Bridges	L.D. 1222	An Act To Authorize a General Fund Bond Issue for Wastewater Infrastructure on the Penobscot River and To Require Testing Relating to Publicly Owned Treatment Works
L.D. 426	An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses	L.D. 1245	An Act To Authorize a General Fund Bond Issue To Encourage Research and Development in Renewable Energy
L.D. 427	An Act To Authorize a General Fund Bond Issue for Recreational Facilities	L.D. 1312	An Act To Authorize a General Fund Bond Issue for the Preservation of Forest Lodge in the Town of Upton
L.D. 440	An Act To Authorize a General Fund Bond Issue To Revitalize Communities and Expand Maine's Innovative Economy through the New Century Program	L.D. 1344	An Act To Authorize a General Fund Bond Issue To Support Maine's Economy and Quality of Place through the New Century Community Program
L.D. 445	An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund	L.D. 1402	An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine
L.D. 450	An Act To Authorize a General Fund Bond Issue To Support Maine's Working Waterfronts	L.D. 1448	An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Water Supply Facilities
L.D. 538	An Act To Authorize a General Fund Bond Issue To Promote Increased Research and Development Collaboration between the Environmental and Energy Technology Sector and the University of Maine System	L.D. 1513	An Act To Authorize a General Fund Bond Issue To Fund Water and Wastewater Infrastructure
L.D. 718	An Act To Authorize a General Fund Bond Issue To Stimulate the Midcoast Economy	L.D. 1520	An Act To Authorize a General Fund Bond Issue for Biorefineries
L.D. 746	An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Water Access and To Access Matching Contributions	L.D. 1531	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program
L.D. 777	An Act To Authorize a General Fund Bond Issue for Affordable Rental Housing	L.D. 1611	An Act To Authorize a General Fund Bond Issue for Research and Development to Create Jobs in Maine's Emerging Biobased Plastics Industry
L.D. 806	An Act To Authorize a General Fund Bond Issue for the Maine Biomedical Research Fund to Create Jobs and Strengthen Maine's Economy	L.D. 1677	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development
L.D. 858	An Act To Authorize a General Fund Bond Issue for the University of Maine for Research and Development		We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.
L.D. 863	An Act To Authorize a General Fund Bond Issue for Acquiring Land and Water Access through the Land for Maine's Future Program		Sincerely,
L.D. 896	An Act To Authorize a General Fund Bond Issue for the Cleanup of Hazardous Waste Sites (EMERGENCY)		S/Sen. Margaret Rotundo Senate Chair
L.D. 1019	An Act To Authorize a General Fund Bond Issue To Replenish the School Revolving Renovation Fund		S/Rep. Jeremy Fischer House Chair

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

SENATE PAPERS

Bill "An Act To Create a Program To Implement Choice of Health Plans in the MaineCare Program and Amend the MaineCare Program"

S.P. 650 L.D. 1820

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative TARDY of Newport and Senators: HASTINGS of Oxford, MILLS of Somerset, RAYE of Washington, SMITH of Piscataquis, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, Representatives: LEWIN of Eliot, WALKER of Lincolnville.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

John Glenroy Sinclair, of Fort Kent, a logger and woodsman and one of the most respected foresters in the State. Mr. Sinclair was born in 1920 and left school when he was 16 to work in the woods to help support his family during the Depression. He learned surveying from his father, and joined the United States Army Corps of Engineers in 1940. He was a United States Navy veteran of World War II. After the war, Mr. Sinclair became district manager of the Pingree Heirs and the chief fire warden for Seven Islands District. In 1956, he became woodlands manager for the Pingree Heirs and a driving force behind the North Maine Woods, a unique association of public and private landowners. When the Seven Islands Land Company was formed in 1964, he became its first president and served until 1977, managing over a million acres of Maine timberland. In 1977, Colby College awarded Mr. Sinclair, who had no formal education beyond the 10th grade, an honorary Doctor of Science degree. He also received many other awards from professional forestry organizations, as well as a diploma of Gratius Datum from the University of Maine. Besides his numerous accomplishments, Mr. Sinclair will also be remembered as a good friend by many people. He was once quoted as saying, "I wake up every

morning and thank my stars that I live in Maine." We acknowledge his dedicated service to his profession and to the State of Maine. He will be greatly missed and long remembered;
SLS 120

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative: JACKSON of Allagash.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President, men and women of the Senate. I'd just like to recognize John Sinclair, who recently passed away. He was well known, well regarded in the forestry circles throughout the state of Maine. He was one of those individuals who was born in Northern Aroostook County and he worked in the woods in his early life. He did become head of the Seven Islands Land Company and was well regarded. He was an icon in the forestry circles. I did go to quite a few meetings with him. Some of them were in the woods up in Aroostook County. I remember him saying to me once upon a time, back in the 1970's, when we were near Ashland looking at a piece of timber and trees. He said, 'Walter, someday there are going to be a lot of trees that are going to be used for biomass.' At that time we really didn't know what biomass was. Today we do and there is a lot of waste wood today that goes into biomass for energy. He was an icon in his field and I wanted to get up and say thank you.

ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend Certain Requirements Applicable to Insurance Producers"

H.P. 457 L.D. 590

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices"
H.P. 674 L.D. 889

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Shellfish Laws"
H.P. 432 L.D. 554

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws"
H.P. 825 L.D. 1132

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue for Capital Projects for the Maine Community College System and the University of Maine System"
H.P. 248 L.D. 304

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

Signed:

Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook
TURNER of Cumberland

Representatives:
FISCHER of Presque Isle
CRAVEN of Lewiston
MILLS of Farmington
CAIN of Orono
VALENTINO of Saco
WEBSTER of Freeport
MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:
GILES of Belfast

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

Reports **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue for Capital Improvements for the Maine Community College System"
H.P. 461 L.D. 612

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

Signed:

Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

FISCHER of Presque Isle
CRAVEN of Lewiston
MILLS of Farmington
CAIN of Orono
VALENTINO of Saco
WEBSTER of Freeport
MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

GILES of Belfast

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

Reports **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Contract Out the State Single Audit"

H.P. 272 L.D. 342

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
BEAUDETTE of Biddeford
SIROIS of Turner
HAYES of Buckfield
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-42)**.

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York
CURTIS of Madison
JOY of Crystal
COTTA of China

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

Reports **READ**.

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

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Authorizing a General Fund Bond Issue To Improve the Quality and Safety of Science and Teaching Laboratories, General Classrooms and Libraries at Maine's Public Universities"

S.P. 97 L.D. 315

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

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

FISCHER of Presque Isle
CRAVEN of Lewiston
MILLS of Farmington
CAIN of Orono
VALENTINO of Saco
WEBSTER of Freeport
MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

GILES of Belfast

Reports **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act To Allow Municipalities To Establish Foundations To Support Education"

H.P. 533 L.D. 702

Resolve, Regarding Legislative Review of Portions of Chapter 329: Rules Governing Milk and Milk Products, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 536 L.D. 705

Bill "An Act To Clarify What Constitutes a Schedule W Drug"

H.P. 541 L.D. 720

Bill "An Act To Allow Physician Assistants To Sign Death Certificates"

H.P. 575 L.D. 754

Resolve, Regarding Legislative Review of Portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 725 L.D. 965

Bill "An Act To Create the Princeton Standard Water District" (EMERGENCY)

H.P. 878 L.D. 1236

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

House As Amended

Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

H.P. 201 L.D. 239
(C "A" H-21)

Bill "An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Permits to Beagle Clubs To Trap Snowshoe Hares" (EMERGENCY)

H.P. 386 L.D. 503
(C "A" H-35)

Bill "An Act To Promote Green Power Use at State Buildings"

H.P. 601 L.D. 785
(C "A" H-41)

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **ROTUNDO** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections"

S.P. 640 L.D. 1796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-26)**.

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

READ ONCE.

Committee Amendment "A" (S-26) **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-26).

ORDERS OF THE DAY

Unfinished Business

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

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

Bill "An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices"

H.P. 332 L.D. 416
(C "A" H-29)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, March 27, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29)**.)

(In Senate, April 2, 2007, **READ A SECOND TIME**.)

On motion by Senator **SULLIVAN** of York, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-29), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-25) to Committee Amendment "A" (H-29) **READ.**

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

Senator **SULLIVAN:** Thank you, Madame President. For the information of the Senate, this is simply a date change. It was originally scheduled for June 1st. It can't happen by June 1st. They asked for a January. We unanimously settled for October 1, 2007. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-25) to Committee Amendment "A" (H-29) **ADOPTED.**

Committee Amendment "A" (H-29) as Amended by Senate Amendment "A" (S-25) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29) AS AMENDED BY SENATE AMENDMENT "A" (S-25) thereto, in NON-CONCURRENCE.

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To License Certified Professional Midwives To Promote Greater Public Safety and Access"
H.P. 1275 L.D. 1827

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee"
H.P. 1274 L.D. 1826

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow a Casino in Oxford County"
H.P. 1276 L.D. 1828

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in 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 Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves"
H.P. 1272 L.D. 1824

Bill "An Act To Amend the Groundwater Oil Clean-up Fund"
H.P. 1273 L.D. 1825

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax"
H.P. 1271 L.D. 1823

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 1269 L.D. 1821

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Joint Standing Committee on Judiciary**

The **Joint Standing Committee on Judiciary**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee"

H.P. 1270 L.D. 1822

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 4:00 in the afternoon.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 163

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 2, 2007

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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 629 Resolve, To Create the Sebago Lake Village State Park

- L.D. 1700 Resolve, Regarding Legislative Review of Portions of Chapter 103: Board of Pesticides Control Regulatory Agenda, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 164

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

April 3, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 281 An Act Regarding Notification of Intent To Sell a Mobile Home Park

- L.D. 479 An Act Regarding Licensure Testing by the Oil and Solid Fuel Board

- L.D. 630 Resolve, Directing the Commissioner of Professional and Financial Regulation To Strengthen Safety Inspection Requirements Governing Industrial Elevators

- L.D. 1026 An Act To Reduce Inspections and Operating Costs for Elevators

- L.D. 1282 An Act To Allow Manicurists and Pedicurists To Do Nails for the Elderly

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 165

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 3, 2007

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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 20 Resolve, Prohibiting the Use of Carpeting in Schools
- L.D. 343 An Act Regarding School Transportation
- L.D. 465 An Act To Prohibit School Administrative Units from Advocating in Political Activity
- L.D. 470 An Act To Add Ten Days to the School Year (EMERGENCY)
- L.D. 821 Resolve, To Make University of Maine System Tuition Affordable (EMERGENCY)
- L.D. 928 An Act To Make Higher Education More Efficient and More Economical
- L.D. 1025 An Act To Reform Essential Programs and Services
- L.D. 1042 An Act To Establish Uniformity in School Building Construction BY REQUEST
- L.D. 1175 An Act To Apply Municipal Nepotism Policies to Municipal School Units
- L.D. 1195 An Act To Establish a Uniform Chart of Municipal Accounts
- L.D. 1220 An Act To Ensure Continued Education in Boatbuilding at the Marine Technology Center (EMERGENCY)
- L.D. 1281 Resolve, Requiring the Department of Education To Issue Rules Adopting the Northwest Evaluation Association's Assessment System as an Approved Method of Meeting Learning Results
- L.D. 1367 An Act To Address the Inequities of the Probationary Teacher Laws

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 166

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 3, 2007

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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 589 An Act To Repeal Certain Health Savings Account Provisions
- L.D. 1046 An Act To Make Changes to Maine's Homeowner Property Insurance Laws
- L.D. 1102 An Act To Lower Mandatory Group Participation Rates to 60%

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. John R. Brautigam
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 167

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

April 2, 2007

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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 86 An Act To Require the Collection of Information on Vehicle Accidents on Private Property
- L.D. 254 An Act To Restrict Takings under Eminent Domain

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 168

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

April 3, 2007

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 Labor has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1024 An Act To Address Labor Practices with On-call Workers

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 169

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

April 2, 2007

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 bills out "Ought Not to Pass":

- L.D. 309 An Act To Change the Laws Concerning Games of Chance

L.D. 891 An Act To Allow and Regulate Additional Pari-mutuel Wagering at Commercial Tracks

We have also notified the sponsors and cosponsors of each bill listed 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.**

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

COMMUNICATIONS

The Following Communication: S.C. 170

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

April 2, 2007

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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1089 An Act To Create the Maine Natural Resource and Environment Efficiency Commission BY REQUEST

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore S. Koffman
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 171

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

April 2, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 8 | An Act To Limit the Duration of a Legal Alien's Driver's License |
| L.D. 56 | An Act To Allow Farm Trucks That Weigh over 9,000 Pounds To Be Eligible for Specialty License Plates |
| L.D. 84 | An Act To Standardize Documentation Requirements for a Driver's License or Nondriver Identification Card |
| L.D. 209 | An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License |
| L.D. 642 | An Act to Clarify Certain Laws Concerning Posted Speed Limit |
| L.D. 873 | An Act To Require Economic Analysis and Public Comment for Road Construction Projects |
| L.D. 922 | An Act To Permit a Noncommercial Agricultural Designation for Certain License Plates |

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator SMITH for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Winterport Water District"

S.P. 310 L.D. 993

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

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 Measure

An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine

H.P. 476 L.D. 627
(C "A" H-30)

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 **PASSED TO BE ENACTED** 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:

Emergency Measure

An Act To Amend the Charter of the Harrison Water District
H.P. 668 L.D. 878

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 **PASSED TO BE ENACTED** 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:

Emergency Measure

An Act To Amend the Charter of the Long Pond Water District
H.P. 716 L.D. 941

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

ORDERS OF THE DAY

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

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections"

S.P. 640 L.D. 1796

Tabled - April 4, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-26)**

(In Senate, April 4, 2007, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-26) **READ**.)

On motion by Senator **NASS** of York, Senate Amendment "D" (S-30) to Committee Amendment "A" (S-26) **READ**.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. I think it's first appropriate to thank the Appropriators for doing a great job on getting a package together. It's always difficult to satisfy everybody's needs. So I am standing today because I'm not satisfied, but I do wish to thank them for the work that was done and recognize that.

I guess I'm struck, and it just didn't happen overnight, by the fact that we have a road and bridge problem in this state and we aren't doing enough about it, in my opinion, as represented by the proposed spending in this package. Several things strike me, I guess. I suppose that anxiety could have been relieved if we were allowed to vote on separate pieces of that. Again, that's a tough decision and so I'm left with little recourse today.

There is, and there has been in prior packages, recognition of the committee trying to solve everybody's problems. We certainly see some of that here. Small amounts of money allocated to a whole host of things. My worry about that is that it doesn't allow us to get some of the big jobs done. Roads and bridges is one of our big jobs, one of our big problems.

I also want to recognize that this effort is another big important thing out there that I've tried to maintain here. It is what we have called the LD 1 limit. Typically what would happen now is that a person like me would stand up and just add some money to the package here. I feel constrained. I can't do that because we have recognized the LD 1 limit. We've adopted some limits to our budget. I choose to suggest that where we have some discretion, and certainly in our debt service, principal and interest is one of the few places where we have discretion about what we spend money on. So with principal and interest, bonding is where it comes to bear on our budget process.

I don't want to increase the package. I am told that this package does stay within the LD 1 limits for debt service. What I've done here is just removed an amount of money totaling \$50 million and added it to roads and bridges; specifically added it to the June 2008 bond issue. The removing here was not eloquent. Took me about 30 seconds. I probably should apologize for that, but I'm not going to. \$50 million to me is all about a different priority. It's a priority that says roads and bridges need to be fixed in this state and this proposal doesn't do enough to do that. I'm willing to shift \$50 million from what's proposed here to roads and bridges in a June 2008 bond issue. All the details of what we've proposed to remove are mentioned. I'm not going to detail them here unless somebody wants to debate them. I'd be happy to do that, as far as what their priorities are, at least in my opinion. Madame President, thank you. I would urge that if you agree with me that roads and bridges are more important this is your opportunity. Why am I concerned and that this is an opportunity

that I choose to exercise? I am worried about being a year from now, recognizing my LD 1 limits that I think are important, the cost of borrowing, principal and interest and repaying that, and having to vote against roads and bridges a year from now. I think that's what's going to happen. We're not doing enough now. We need to do more now. It's more important than some of the stuff that's on this list. Thank you, Madame President.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-30) to Committee Amendment "A" (S-26).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#39)

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

NAYS: Senators: COURTNEY, DOW, HASTINGS, MILLS, NASS, PLOWMAN, SHERMAN

ABSENT: Senator: BRANNIGAN

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-30) to Committee Amendment "A" (S-26), **PREVAILED**.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-27) to Committee Amendment "A" (S-26) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Some time ago in a spirit of competition, perhaps, and a little bit of frivolity, but it wasn't frivolous, I offered for your signature an orange slicker. That slicker was symbolic of an item that did not make it into the package that was to provide a substantial amount of money for a marine enhancement fund. We can all understand why that initial amount of money did not make it in, but we also ought to understand the importance of why it was suggested in the first place. The amendment I'm offering now would propose to seed that fund with \$500,000 so that other funds, private funds primarily, would be solicited to supplement that amount to be put towards marine stock enhancement. Unfortunately, the good and the great work of the negotiators on both sides of the aisle and of

the Appropriations Committee would be altered, minutely, by changing the figure if this were to be adopted. The reason why I rise to ask for your support in its adoption is because I believe it is truly important to that marine stock enhancement. Though it will certainly not do the job that the original bond package was set out to do, it will be that tentative first step that will allow us to make further progress down that road of stock enhancement. I would urge the support of the amendment. Thank you, Madame President and men and women of the Senate.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-27) to Committee Amendment "A" (S-26).

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. In the Appropriations Committee we spent a long time talking about this particular issue and the needs of commercial fisheries in Maine and the importance of them to the Maine economy. We concluded that they were able to compete for the research and development funds along with all the other areas that are important to our economy and that they were covered by the language that we put in for competition. I would ask you, for that reason, to vote against this amendment. I also would remind you that if this amendment passes it would put us over the negotiated amount that we all had settled on for the bond package. Thank you.

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

Senator **RAYE:** Thank you, Madame President. I rise to support my colleague from Hancock, Senator Damon. I recognize that this would be \$500,000 over the \$295 million package. That's a very modest amount. I think it would not violate the spirit of the agreement. While it is a modest amount, I think it's an extraordinarily important issue and there has been a great deal of work that has gone into this on a bi-partisan basis. It has received editorial endorsements and strong recognition that, given the issues that we face with our stocks, this would be, as the Senator from Hancock, Senator Damon, put it, an important, albeit small, first step towards addressing those issues. For that reason I will be voting against the pending motion and in support of the position of my friend from Hancock, Senator Damon.

On motion by Senator **COURTNEY** of York, 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 (#40)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE,

SCHNEIDER, SMITH, SNOWE-MELLO, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, DAMON, PLOWMAN, RAYE, SHERMAN, STRIMLING, SULLIVAN

ABSENT: Senator: BRANNIGAN

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-27) to Committee Amendment "A" (S-26), **PREVAILED**.

On motion by Senator **DAMON** of Hancock, Senate Amendment "E" (S-31) to Committee Amendment "A" (S-26) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. During the course of the negotiations that I referred to earlier and that have been referred to before my remarks there was considerable discussion with regards to the research and development portion of our bond package that we'll be voting on shortly and whether or not that money available for research and development was indeed awarded on a competitive basis to those institutions who were applying for it. Previously money had been carved out to support the Maine Biomedical Program; money had been carved out to support the Maine Marine Research Program; and within both of those allotments institutions that were members of those organizations, the biomedical research or the marine research, did compete for those funds. The present proposal before us, notwithstanding this amendment, would have all of those entities, all of those institutions, lumped into one and to gobble up the substantial, yet inadequate, amount of money that we carving out for research and development in the State of Maine. It is the opinion of this Senator that research and development and the scientific sector and the innovative economy are all important elements of our economy as we move forward in the State of Maine. I believe that we need to support them to an even greater extent than we have done in this bond package, but more importantly, I believe that we need to support those institutions and those research laboratories that have gotten us to where we are presently. I ask you to look at this \$55 million that we are going to vote on as an investment portfolio of your own. What do you do? Do you lay it on the table for every investment vehicle to come and gobble up? Do you allocate a section of that to go to a known quantity, a known return, a proven entity? Do you allocate a section of that to go to an up and coming business, an up and coming investment, that's a little more of a risk? Do you allocate a section of that to help emerging businesses, again to help grow our economy? I suggest that you would do all three of those. You'd have an investment portfolio that was spread in sections to your individual tastes and needs and you wouldn't lay it all on the table and have every investment vehicle, every bank, every stock, every bond, come and gobble up what they could. We ought not to do that here.

The language I'm proposing in this amendment has us certify or recertify what is currently in statute; that the Maine Biomedical

Coalition, the Maine Biomedical Research Program, will continue, as they have in the past, to compete for allocations within their sector. It also goes on to expand the size of the Maine Biomedical Research Board of Directors or Board. Presently it is a seven member board and this amendment proposes that it be increased to a nine member board with the addition of the Director of the Office of Innovation as the eight member, and the ninth member being a member from the Maine Technology Institute and that member to be appointed by the Maine Technology Institute. It has no carve out of funds. It is simply a recognition that there is competition currently, that there should be competition in the future, and that this competition ought to be within the sector of Maine biomedical research, and that there also ought to be competition within the sector of Maine marine research. It is with this that I offer this amendment, ladies and gentlemen of the Senate. I would move adoption. It has no effect whatsoever on the final number of \$295 million. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-31) to Committee Amendment "A" (S-26).

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I rise to support the pending motion and to also put some remarks on the record about the fine institutions in the Biomedical Research Coalition. For those of you who haven't been immersed in the issue, one of the important things to notice and to point out is to recognize the non-profit labs in Maine for the great service that they provided to us to get us on the map, so to speak. So far in Maine we don't have the benefit of a public medical school. That put us behind in our ability to attract National Institute of Health money. The Coalition, with very creative Yankee ingenuity, is sort of abounding in Maine. The creative uses of synergies of this coalition are an important part of our research and development establishment. That being said, I want to also note that these institutions are extraordinarily competitive, particularly the fine institution in the district of my colleague from Hancock, Senator Damon. They compete in Maine and nationally. What is important for us to understand is the science of what they do is extraordinary. They will always compete in the very top tier in that regard. We also have to ask them to compete in another way as well. Because our research dollars in Maine are so scarce we have to make sure that we assure a public purpose to every dollar that is expended to research and development. In addition to saying, 'Is your science first class,' which it always is in the Biomedical Coalition because they always are going to make it into that second tier of competition, we also have to ask, 'What's going to be the impact on the Maine economy, on all the Maine economy.' Not just good jobs in a particular piece of geography, but how they are going to weave themselves into the research and development infrastructure and how that will effect somebody in Meddybemps, Buxton, South Portland, or where ever. This piece of competition that we're putting in is legendary. We should be very proud of it. What we are saying is that first of all their science has to be first class and second of all they have to show us what their impact is going to be on the Maine economy. If they compete in both of those things, they win the day. I would also point out that two of the members of the Biomedical Coalition competed very

successfully in the marine fund just recently. I think our goals are very much the same. We're coming at them slightly differently, but if you join me in support the pending motion you are assuring that the public purpose of these monies is in fact well spent. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of the pending motion of Indefinite Postponement. Competition is an exciting thing. Whether it is in species, baseball, or any other field of endeavor, the best always rises to the top and succeeds. Three committees of this legislature have looked at this matter: the Business, Research and Economic Development Committee, the Appropriations Committee, and the Joint Select Committee on Research and Development that met in the off-session. To a person, they all think from a policy standpoint, that this is the right way for us to proceed; that we create a pool, create an emphasis on research, development and commercialization, and we move forward. It is possible this policy could be flawed. I don't think it is. I think it warrants our unanimous support. This is a change. We're moving away from targeting research monies. Frankly, that was a job that fell to the legislature. I don't know about you but I don't feel qualified to decide how that money should be spent. By embracing the proposition that is before us in this bond package we are making a policy shift. We are putting more emphasis than ever on competition. I want to clearly state for the record that I fully expect vigorous competition from the biomedical research arena. We have some world-class organizations. They will be able to compete vigorously for this money and I expect to be smiling as they are awarded various elements of this package on a go-forward basis. Thank you very much, ladies and gentlemen of the Senate.

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 PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd just like to make a couple of comments on the pending motion. I will be supporting the pending motion for a variety of reasons. I would just like to provide another member's prospective. When I was first elected in 1998 and came in the session of the 119th the development around this idea of supporting research and development as a core economic goal of this legislature was emerging and taking shape. At that time we had a variety of five or six of the biomedical research institutions in the state that were coming independently and competing with each other for the attention of the legislature and for the attention of the policy makers. They agreed among themselves that they would join together and that they would come forward as one because the legislature at that time determined that it was our goal to feature and emphasize the biomedical research industry, as I will call it, in Maine because of its success. They were leaders nationally and internationally in this state. That was a category in this state of job creation that we could focus and emphasize. It has been successful. Money

invested in bricks and mortar for the research and development institutions have, in fact, generated and drawn down a successful number of federal grants that have created jobs. As a job generator, it has produced and delivered just as promised. I'm willing to embrace the new philosophy now that has come forward from the committees of jurisdiction to change the emphasis and now look to a competitive MTI sponsored granting entity. I want to make very clear for the record that the ability of the biomedical research players in this state to be able to continue to participate and compete for these funds is critically important and remains an emphasis and a cornerstone of the research and development enhancement in this state. They should be able to go forward and access these monies in a competitive manner and be seen as a pillar for Maine's economic development.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I will be opposing the motion before you and I want to make clear, on the record, as we talk about the intent of the legislation that we believe that it is the intent of the Body and the Legislature, with respect to the scope of the term bio-technology which is now contained in Section D of the bond legislation, that in the section of the committee amendment which contains the research and development portion of the bond that the term bio-technology is intended to include biomedical research. Thus the funds that will be made available to MTI from the bond will be available to non-profit biomedical research institutions such as the Maine Institute for Human Genetics and Health, the Maine Medical Center Research Institute, the Jackson Laboratory, the Mount Desert Island Biological Laboratory, the Foundation for Blood Research, and the University of New England College of Osteopathic Medicine. I wish this to be placed on the record so that there shall be no doubt as to what the intent was as we go forward. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone of Senate Amendment "E" (S-31) to Committee Amendment "A" (S-26). 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 (#41)

YEAS: Senators: BARTLETT, BOWMAN, BROMLEY, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, DAMON, PLOWMAN, RAYE, SNOWE-MELLO, STRIMLING, SULLIVAN

ABSENT: Senator: BRANNIGAN

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-31) to Committee Amendment "A" (S-26), **PREVAILED**.

On motion by Senator **BROMLEY** of Cumberland, Senate Amendment "C" (S-29) to Committee Amendment "A" (S-26) **READ**.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. About this time, when we're voting for bonds or budgets and one of us stands up and looks like it's really just flying through, I roll my eyes and say, 'Why don't they just sit down, it's over. Why don't they just play nice.' There is a piece of me that rises with some reluctance and I want, as we all do, to go on record to genuinely thank the fine work of the Appropriations Committee and our leadership in negotiating a unanimous package. One might ask, 'Then why are you standing?' I don't think what I'm going to advocate for and the good work that has been done are mutually exclusive. I think we can have this debate without demeaning the work that has been done.

The amendment before you would keep the total amount the same. It would recognize that we have sufficient money in debt service in our budget and would not upset that. What it would do is move \$10 million that is advocated in the General Bond for highway use and put that money into research and development. Why I do that is because the Business, Research and Economic Development Committee and the Research, Economic Development and Innovation Economy Committee and all of us that are directly connected to research and development efforts know what that \$10 million could mean.

Let's face it, as legislators most of the time our work is about getting the balance right. It's not alot about what we're doing for the future that will have an impact that we can see. This is and I'm hungry for it. I'm hungry to show it to you and I'm hungry for you to see it and be able to point to it.

I spent the morning at a funeral for a constituent who was killed in Iraq. I was sitting there thinking, 'Oh, what the heck does this bond package mean anyway in the real world?' Then I started thinking about the future. There were a lot of us thinking about the future this morning. Let me say that we can track every dime of this \$10 million. It will multiply. It will flourish. It will become part of our new economy that we can all be proud of.

The former Director of State Planning said in a piece some time ago that Maine needs single-mindedly, even relentlessly, to target proven programs like research and development. I don't know if adding \$10 million is relentless, but I can promise each one of you that if we make this investment we'll be proud. It will show great promise. It will bear great fruit. I don't think I'm doing my job if I don't stand up as the Chair of these two committees who unanimously recommended robust investment in research and development and if I didn't give us the opportunity to say we believe in this. We really believe that the future of Maine, the best years of Maine, are ahead of us and this is an indication of that. Men and women of the Senate, I hope you will join me in supporting this amendment.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-29) to Committee Amendment "A" (S-26).

On motion by Senator **BROMLEY** 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 (#42)

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

NAYS: Senators: BROMLEY, BRYANT, DAMON, HOBBS, NUTTING

ABSENT: Senator: BRANNIGAN

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-29) to Committee Amendment "A" (S-26), **PREVAILED**.

Committee Amendment "A" (S-26) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-26).

Ordered sent down forthwith for 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:

Acts

An Act To Amend the Debt Management Services Laws
S.P. 43 L.D. 135
(C "A" S-20)

An Act To Require Prior Notice before Cancellation of a Life Insurance Policy for Nonpayment of Premiums
S.P. 46 L.D. 138
(C "A" S-21)

An Act To Improve the Control and Prevention of Invasive Plant Infestations
H.P. 135 L.D. 153
(C "A" H-28)

An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council
H.P. 213 L.D. 257
(C "A" H-32)

An Act To Clarify Portions of the Laws Governing InforME
S.P. 216 L.D. 679

An Act To Encourage Greater Public Input into the State Environmental Licensing Process
H.P. 647 L.D. 848

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

An Act To Change the Name of the Maine State Retirement System
S.P. 167 L.D. 512

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prevent Overcharging for Prescription Drug Copayments"
H.P. 607 L.D. 807

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

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

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Financial Literacy Program" H.P. 187 L.D. 216

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

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

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Early Retirement for Captains in the Maine State Ferry Service" H.P. 584 L.D. 763

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

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

REFERRED to the Committee on **LABOR**, 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Application of the Definition of 'Tract or Parcel of Land' under the State Subdivision Laws" H.P. 854 L.D. 1173

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

Act

An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances S.P. 153 L.D. 466

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 7:30 in the evening.

After Recess

Senate called to order by the President.

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:

Bond Issue

An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections and the June 2008 Election and To Transfer Certain Funds

S.P. 640 L.D. 1796
(C "A" S-26)

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I too want to thank the members of the Appropriations Committee and leadership for involving literally everyone in this process by going to the committees of jurisdiction whenever possible and asking for their input on this particular bond issue package. However, in the just for the record department, I have distributed to everyone's desk the breakdown of the 3.21 billion gallons of untreated sewerage that was discharged to our rivers and oceans last year. This bond issue will help Machias, Calais, and Limestone with some grants and will help Augusta, Bangor, and Auburn with important combined sewer overflow work. Unfortunately, and this is for the future use category, in Ellsworth, Brewer, Biddeford, Lewiston, and if you turn to the second page, especially Portland there is no help at all for those particular cities. My fear and the fear of the lobstermen I've talked to in the soft shell industry is that in the future, if there continues to be wet years, we're going to continue to have billions and billions of gallons of untreated waste discharged to our rivers and lakes. I am very grateful to the many cities that are going to get help. I'm just hopeful that in the future we will keep in mind those that didn't receive any help. Thank you.

On motion by Senator **MARTIN** of Aroostook, 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 Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. This bond package before you represents hope and optimism about Maine's future. Many good people have said that Maine has challenges but that it has many opportunities as well and that our best years are before us. Recent reports from Legislative, Gubernatorial, and think-tank reports have said that they envision a bright future for Maine provided that we take bold action and make strategic investments in our state today. This bond package provides the opportunity for us to take bold action and to make those strategic investments in the future of the state. The package enables us to protect Maine's communities and natural environment; to improve roads, bridges, rails, and trails; and to update and improve our schools, colleges, and universities. It also puts Mainers to work now through road construction and repair projects, as well as in the future through education and through discovery and development of innovative technologies that can be developed into successful businesses offering good paying jobs in the future.

The bond package is reasonable and affordable. By any measure, Maine is conservative in its bonding practices and this proposal does not change that. We put a lot of time into doing a thorough analysis of the impact on future debt service. Bond

funds are multiplied many times over. State money leverages federal and private dollars. Estimates of this bond package are that \$295 million in these bonds leverage over \$400 million of outside funds. The State Treasurer estimates that it will cost us \$85 million in interest to borrow \$295 million that will in turn leverage \$400 million of matching funds. This is a great deal.

I do want to comment on the Appropriations Committee's process over the last ten days. The committee approves this amendment before you by a unanimous vote. Our negotiations were cordial and productive, a good model for future work in the budget and other issues that will come before us. I personally want to thank the good Senator from Aroostook, Senator Martin, and the good Senator from Cumberland, Senator Turner, for their very hard work and great cooperation. We had several committee members who over the last ten days were quite ill. In spite of that, they were there late into the evenings and over the weekends when we needed them. I was very grateful. I also want to acknowledge the hard work of the staff of OFPR and the Revisor's Office who enabled us to have this document before us today for a vote. They have been working very hard as well.

The work of the Appropriations Committee was truly a joint effort. Our work was guided by principles, parameters, and ideas laid out by the Governor, the Policy Committees, and by legislative leadership on both sides of the aisle and in both chambers. The result we bring you is a bond package well crafted in terms of affordability and content, a package that offers hope for Maine's future. I hope you will help us all move Maine forward by voting to enact the bill before you. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. There aren't many things left to say. The good Senator from Androscoggin, Senator Rotundo, covered them all very well. I would simply add that I think this is a package of great balance. It had thoughtful input from all the committees of jurisdiction. It was worked diligently and hard by the members of the Appropriations Committee. I think the people of Maine rightfully have good reason to be proud of all of us in this chamber and the other chamber. I think they have sent us here to do the people's business and we're doing that. I think they want us to work together and we are doing that. They want us to show trust for one another and we are demonstrating that. We have a lot of issues yet before us that we will deal with in the coming days and months. I think the foundation that we put together so far with the Supplemental Budget Package and now this bond package that is before us sets a very good tone. I expect we will all work hard together and do the people's business because that is what they want us to do. I would like to close by thanking both of my colleagues from the other side of the aisle, the Senator from Aroostook, Senator Martin, and the Senator from Androscoggin, Senator Rotundo, for the great work and leadership that they provided to horseshoe in Appropriations. While I know we don't make direct reference to the other Body, there was plenty of leadership from the other Body as well, some of it very young but very capable. I know we talk a lot about competition this evening and perhaps some of you are aware the other Body's resounding vote in support of this package. It would do me great pleasure to see us outdo them on a percentage basis. Thank you very much, Madame President.

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 (#43)

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

NAYS: Senators: None

ABSENT: Senators: BRANNIGAN, SMITH

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Off Record Remarks

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Thursday, April 5, 2007, at 10:00 in the morning.