

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

In Senate Chamber
Monday
June 11, 2007

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

Prayer by Reverend Tim Pemper of Hartland Baptist Church.

REVEREND PEMPER: Someone said before I pray I could take one minute. Have you ever noticed that your profession and mine have striking similarities? First of all, when anything good happens, we never get credit for it. But when something bad happens, we always take the heat, don't we? Secondly, your profession and mine seemingly, above other professions, always is the brunt of humor. Take politics and religion off the table from David Letterman and Jay Leno, and what do you have? Paris Hilton, that's about it. But, I just want to say one word before I pray. I think your profession and mine requires one thing above all other professions, and that is this: it requires a balance. What do you do when you look at your constituents and I look at our people on the one side, and they ask for one thing. And on the other side, we look at our convictions. We look at our beliefs. We look at our conscious, our heart. What do you do? It requires balance. We look at our constituents and our people and we could say, 'you know, I'll give them what they want. They put me in office.' Well, chances are our jobs will last longer if we do that, but sometimes the people are wrong, aren't they? And yet on the other hand we look at our hearts, and sometimes our hearts can deceive us. The Bible says that the heart is deceitful above all things, and desperately wicked. Who can know it? So, what is it that causes and brings a balance between these two extremes? I'll tell you exactly what it is. It is a belief in a higher power. Now for me, my higher power is the God of the Bible. For yours it might be something different, but it's a good place to start, isn't it? When I die and I have to answer, I'm glad I don't have to answer for how I respond to the people. Nor do I have to answer for what my convictions are. I have to answer to how God leads me, because ultimately I have to do what He says. I think that brings the proper balance. And I believe the most balanced politician today is a man who incorporates a belief in God in everything that he does. Let's pray, shall we.

Our Lord, we thank you for these men and for these ladies. We thank you for the opportunity that they have to represent You and the State of Maine. We thank You, Lord for their lives. We thank You, Lord for their families. Lord, we thank You for their convictions. Thank you for this state. Thank you for this country. Lord, would You bless each man and each woman here. Lord, I don't know what their family situations are like, but Lord, we do pray for them. We pray Lord that You will provide for them and take care of them. Lord, maybe they have a son or daughter who is wayward. We pray Lord that through their leadership that You'd bring them back to the family. Lord, we pray that You would so guide the decisions that are made. We pray that we would recognize that Lord, as we incorporate You in everything

that we do, Lord that that truly brings a proper balance. Bless our country. I think about those who are overseas, take care of them. Lord, would You protect them and bring them back to us quickly and bring a resolution very soon to what is happening overseas. Thank You again for today. This is a bright new day, Lord, it's an exciting day because we wait upon You for what You will do for us. In Jesus' name, we pray. Amen.

Pledge of Allegiance led by Senator Lynn Bromley of Cumberland County.

Reading of the Journal of Thursday, June 7, 2007.

Senator **SAVAGE** of Knox requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve Road Safety and Update Bicycling Laws"
S.P. 643 L.D. 1808
(C "A" S-166)

In Senate, May 31, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166) AS AMENDED BY HOUSE AMENDMENT "A" (H-447)**, thereto, in **NON-CONCURRENCE.**

On motion by Senator **DAMON** of Hancock, the Senate **INSISTED.**

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 383

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

June 6, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1449 An Act To Provide Outreach and Training on
Dementia-related Protocols for Law
Enforcement Officers

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.**

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Mary McAleney, of South Portland, on her retirement after 9 years as the Maine District Director for the United States Small Business Administration. As District Director, Ms. McAleney oversaw the delivery of agency programs in the State. Prior to joining the Maine District Office, she served as the Small Business Administration's District Director for the Commonwealth of Massachusetts for 3 years. She was committed to building public and private partnerships that give Maine businesses the tools they need to start and expand. We extend our appreciation to Ms. McAleney for her commitment to the citizens of the State and wish her well in her future endeavors;

SLS 298

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Senators: BRANNIGAN of Cumberland,
COURTNEY of York, President EDMONDS of Cumberland,
MARTIN of Aroostook, MITCHELL of Kennebec, ROSEN of
Hancock, SCHNEIDER of Penobscot, STRIMLING of
Cumberland, WESTON of Waldo, Representatives: ADAMS of
Portland, AUSTIN of Gray, BEAUDETTE of Biddeford,
BEAULIEU of Auburn, BLISS of South Portland, BRAUTIGAM of
Falmouth, CLEARY of Houlton, CROSTHWAITE of Ellsworth,
Speaker CUMMINGS of Portland, EBERLE of South Portland,

FAIRCLOTH of Bangor, HARLOW of Portland, HASKELL of
Portland, HINCK of Portland, KAENRATH of South Portland,
MacDONALD of Boothbay, MARLEY of Portland, PINGREE of
North Haven, PRESCOTT of Topsham, RAND of Portland,
RECTOR of Thomaston, SAMSON of Auburn, SILSBY of
Augusta, SMITH of Monmouth, TARDY of Newport

READ.

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

Senator **BROMLEY:** Thank you Madame President, women and men of the Senate. It is with equal parts of great joy and something bordering on grief that I rise to recognize Mary McAleney. She is going to be enjoying a well-deserved, let's hope, semi-retirement, and she is going to be sorely missed by all of us in this chamber. She has an impressive resume, and she worked in this building for the Legislature. She served Senator George Mitchell as his chief of staff when he was majority leader, she taught at Catherine McCauley. She is well-known in my community and she is my constituent, as well as my friend and a frequent visitor to my Committee. She is someone who gets the work done. I think there's three degrees of separation for Mary McAleney and everybody in the State of Maine. Whether you had a small business loan or you had a small business, whether you served in the Legislature, whether you're from South Portland or any of the contiguous communities, whether you know anything about politics, you know Mary.

If we had such a designation as a state treasure, she would be at the top of my list. Not just for her hard work, a lot of us in the chamber work hard. She brings something unique, wonderful and critical to our future in Maine. She understands collaboration in the way that all of us would like to. Mary calls it 'play nicely and share our toys,' and in its simplest form it is that. But it's much more than that. In Maine we have scarce resources and if we don't work together, we don't go forward. Mary understands that in a very intuitive way when she helps put partners together. She knows who needs shoring up, who needs to sit this one out, who needs a little bit more funding, who needs more information. What I have come to really appreciate about her is her deep respect for the legislative process. She understands the job that we do better than many. She understands the multiple forces that work on us, and she knows how much information we need and require. I've come to rely on her because of her incredible integrity.

The information that we get from her is all of the sides, how people look at things from the upside, backside, and in between, so you can rely on all the information you need when you ask a question of Mary. The other thing she does is she makes us all look good. There's a term in chemistry: it's an agent that's part of the process that makes it happen that isn't there in the final product, and that's how I would describe Mary. If she's involved, she helps you get to your goal. She doesn't take credit. She's quiet, she's confident, and she is deeply committed to the things that we all are in this chamber. She's going to be missed in a way that I can barely stand and describe. If you don't know her, get to know her. She'll make you look good in many ways. It has been my honor to work with Mary and to put these words on the record.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you Madame President, men and women of the Senate. If you've ever wondered why George Mitchell looked good, it's because of Mary. There's absolutely no question that was a tremendous staff person for the Senator and continued her work when she left to work at the SBA in Boston and subsequently in Maine. She has been described as 'everyone's mother' in the business world, and frankly did her work extremely well in helping the business community. As a friend, she is always more than truthful with me, and it's one of those things that I will always cherish. I really wish her the best on her retirement, and hopefully we'll be able to put her to good work in the future. Good luck, Mary.

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

Senator **RAYE:** Thank you Madame President, men and women of the Senate. I rise to join in paying tribute to my good friend, Mary McAleney. Mary and I have enjoyed a long association. We had very similar career paths at an earlier point in our careers. She was the scheduler for Senator Mitchell and I was the scheduler for Congresswoman Snowe, and we helped arrange many joint trips around the state with our bosses. It was a pleasure to work with her then. In 1994, I had the honor to succeed Mary, and I actually inherited her desk in the transition from Senator Mitchell to Senator Snowe. After that as Senator Snowe's chief of staff, I was able to be in a position to see her rise to the position of State Director of the Small Business Administration. It's been a pleasure to work with her in that capacity over these years. I just wanted to say that she has been a tireless advocate for small business and she is a good friend, and a wonderful person. I wish her many happy golden years.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber, Mary McAleney of South Portland. Would she please rise and receive the greetings of the Maine Senate.

PASSED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow a Casino in Oxford County" H.P. 1276 L.D. 1828

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

Signed:

Senators:

MARRACHÉ of Kennebec
PLOWMAN of Penobscot

Representatives:

WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-446).**

Signed:

Senator:

BRYANT of Oxford

Representatives:

MOORE of Standish
PATRICK of Rumford
FITTS of Pittsfield

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

Reports **READ.**

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

Senate

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reduce Foreclosures"

S.P. 430 L.D. 1244

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-239).**

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

READ ONCE.

Committee Amendment "A" (S-239) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expand Exemptions from Licensing Laws for Professional Engineers"

S.P. 566 L.D. 1622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-240).**

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

READ ONCE.

Committee Amendment "A" (S-240) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Consumers from Rising Health Care Costs"

S.P. 664 L.D. 1849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-237).**

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

READ ONCE.

Committee Amendment "A" (S-237) **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-237).

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management"

S.P. 708 L.D. 1908

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-238).**

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

READ ONCE.

Committee Amendment "A" (S-238) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 168 L.D. 513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242).**

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

READ ONCE.

Committee Amendment "A" (S-242) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty"

S.P. 74 L.D. 236
(C "A" S-232)

Bill "An Act To Amend the Tax Laws Concerning Certain Motor Vehicle Dealership Transactions"

S.P. 322 L.D. 1005
(C "A" S-233)

Bill "An Act To Amend Certain Provisions of Fish and Wildlife Law"

S.P. 356 L.D. 1104
(C "A" S-234)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

Off Record Remarks

An Act To Amend Certain Laws Affecting Transportation
S.P. 270 L.D. 860
(C "A" S-177)

This being an Emergency Measure and 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 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.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws" (EMERGENCY)
S.P. 635 L.D. 1791

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-244)**.

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

READ ONCE.

Committee Amendment "A" (S-244) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Act

An Act To Promote County-based Economic and Community Development

S.P. 324 L.D. 1007
(C "A" S-160)

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

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create Child Safe Zones and To Increase the Use of Electronic Monitoring of High-risk Sex Offenders"
S.P. 518 L.D. 1491

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-256)**.

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

READ ONCE.

Committee Amendment "A" (S-256) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Mapping of Conservation Easements, Purchases and Gifts"
S.P. 92 L.D. 277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-253)**.

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

READ ONCE.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

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 As Amended

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims"
S.P. 116 L.D. 372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-251)**.

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

READ ONCE.

Committee Amendment "A" (S-251) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Clarify the Definition of 'Physical or Mental Disability' in the Maine Human Rights Act"

S.P. 344 L.D. 1027

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

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

READ ONCE.

Committee Amendment "A" (S-248) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Repeal Strict Foreclosure"

S.P. 561 L.D. 1617

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-255)**.

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

READ ONCE.

Committee Amendment "A" (S-255) **READ** and **ADOPTED**.

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 As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Child and Family Services and Child Protection Act"

S.P. 596 L.D. 1689

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-247)**.

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

READ ONCE.

Committee Amendment "A" (S-247) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors"

S.P. 617 L.D. 1750

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-249)**.

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

READ ONCE.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Prevent Disclosure of Certain Identifying Information in Child Protective Proceedings"

S.P. 677 L.D. 1864

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-254)**.

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

READ ONCE.

Committee Amendment "A" (S-254) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator STRIMLING for the Committee on **LABOR** on Resolve, To Create Improved Employment Opportunities for People with Disabilities

S.P. 515 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-258)**.

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

READ ONCE.

Committee Amendment "A" (S-258) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans

S.P. 534 L.D. 1511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-259)**.

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

READ ONCE.

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers"

S.P. 577 L.D. 1672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-257)**.

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

READ ONCE.

Committee Amendment "A" (S-257) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Authority of the Department of Health and Human Services To License Residential Parenting Facilities"

S.P. 333 L.D. 1016

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-250)**.

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
MILLER of Somerville
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan

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

Signed:

Representative:

BEAUDOIN of Biddeford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-250) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator **DAMON** of Hancock 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.

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:30 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:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Ensure Fairness for Maine Businesses"
S.P. 323 L.D. 1006

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-260)**.

Signed:

Senators:
STRIMLING of Cumberland
NASS of York

Representatives:
PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
HOTHAM of Dixfield
WATSON of Bath
CHASE of Wells
PILON of Saco

LANSLEY of Sabattus

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

Signed:

Senator:
PERRY of Penobscot

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **PERRY:** Thank you Madame President. I just wanted to tell people what this bill is. It's a bill that on the surface sounds like a no-brainer. The bill says that if you want to do business with the State of Maine, contract to sell goods or services, you have to collect sales tax in the state for any business you do here and remit it to the State, even if the law doesn't require it. Who can argue with that? The purchasers are, however, concerned. I raise an issue that over in the parking garage I saw a truck from New Hampshire identifying places that need to be repaired. And I asked why would the bidding go out to New Hampshire? Isn't there a Maine company that could do that? They said that they cannot hold other states' contractors to a different standard than we do Maine contractors, or they will retaliate against Maine contractors who do a lot of business in other states, so it has to be free and open. They were concerned that this requirement could potentially shrink the pool of bidders on any project, therefore costing the State more money. That's why I registered my opposition, but a majority of the committee thought we ought to go the other way. I do this out of respect to the committee process.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land
H.P. 1360 L.D. 1922

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

WALKER of Lincolnville
CAMPBELL of Newfield
FINLEY of Skowhegan

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 Bill "An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits"

H.P. 1160 L.D. 1651

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

Signed:

Representative:
LEWIN of Eliot

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended 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-482)**.

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED Report ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-482) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Overcharging for Prescription Drug Copayments"

H.P. 607 L.D. 807

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-482)**.

Signed:

Senators:
BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:
PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit Inappropriate Software Advertising of Prescription Drugs"

H.P. 1009 L.D. 1440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-481)**.

Signed:

Senators:
BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
FINLEY of Skowhegan

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

Signed:

Representative:
LEWIN of Eliot

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** 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-481)**.

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **TRANSPORTATION** on Bill "An Act To Prohibit the Use of a Handheld Cellular Telephone while Operating a Motor Vehicle"

H.P. 106 L.D. 114

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro
FISHER of Brewer
HOGAN of Old Orchard Beach
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-464)**.

Signed:

Representatives:
MARLEY of Portland
MAZUREK of Rockland

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

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, 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 **TRANSPORTATION** on Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties

H.P. 1203 L.D. 1720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-487)**.

Signed:

Senators:
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
MAZUREK of Rockland
HOGAN of Old Orchard Beach
ROSEN of Bucksport
PEOPLES of Westbrook

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

Signed:

Senator:

DAMON of Hancock

Representatives:

FISHER of Brewer
THOMAS of Ripley
CEBRA of Naples
THERIAULT of Madawaska

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**.

Reports **READ**.

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

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock 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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1359

JOINT RESOLUTION TO MEMORIALIZE THE FEDERAL AVIATION ADMINISTRATION AND THE UNITED STATES CONGRESS TO OPPOSE CERTAIN FEDERAL AVIATION LEGISLATION

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Department of Transportation, Federal Aviation Administration and the United States Congress as follows:

WHEREAS, because the State of Maine's geography has many isolated communities with limited highway and road access, general aviation is a major component of its transportation and travel system; and

WHEREAS, the people of Maine depend on general aviation to move and distribute mail, supplies, goods and people around the State; and

WHEREAS, H.R. 1356 and S. 1076 are companion federal bills proposing the Next Generation Air Transportation System Financing Reform Act of 2007 and are pending before the United States Congress; and

WHEREAS, the proposed Act would increase the tax on aviation gas from 19.4¢ a gallon to 70¢ a gallon and the tax on aviation fuel from 21.9¢ a gallon to 70¢ a gallon; and

WHEREAS, the proposed Act would also implement user fees associated with the use of the National Airspace System; and

WHEREAS, the Next Generation Air Transportation System Financing Reform Act of 2007 proposes to remove congressional oversight of the Federal Aviation Administration; and

WHEREAS, such an increase in taxes, implementation of user fees and reduction of airport funding could possibly be a huge safety issue, and Maine is currently one of the safest states in air traffic; and

WHEREAS, such an increase in taxes, implementation of user fees and reduction of airport funding would be detrimental to the economy of this State and would have a particularly harsh impact on many isolated rural communities; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully oppose the enactment of the provisions in the Next Generation Air Transportation System Financing Reform Act of 2007 that impose user fees, increase aviation fuel and aviation gas taxes, reduce airport funding and reduce congressional oversight of the Federal Aviation Administration and to respectfully request that this Act not be passed; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Department of Transportation, Federal Aviation Administration, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Maine Local Land Trust Fund"

H.P. 793 L.D. 1075

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-452)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452)**.

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

READ ONCE.

Committee Amendment "A" (H-452) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Revise the Definition of Service Dog"

H.P. 233 L.D. 289

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-472)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**.

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

READ ONCE.

Committee Amendment "A" (H-472) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support and Create Creative Economy Businesses"

H.P. 348 L.D. 449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-473)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

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

READ ONCE.

Committee Amendment "A" (H-473) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Assist Veterans in Need of Shelter

H.P. 511 L.D. 662

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-459)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)**.

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

READ ONCE.

Committee Amendment "A" (H-459) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Laws Regarding Physicians"

H.P. 1032 L.D. 1470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-449)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449)**.

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

READ ONCE.

Committee Amendment "A" (H-449) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Certified Professional Midwives To Promote Greater Public Safety and Access"
H.P. 1275 L.D. 1827

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-450)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**.

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

READ ONCE.

Committee Amendment "A" (H-450) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Fairness in Concealed Weapon Reciprocity Agreements"

H.P. 130 L.D. 148

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-478)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478)**.

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

READ ONCE.

Committee Amendment "A" (H-478) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault"

H.P. 131 L.D. 149

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

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

READ ONCE.

Committee Amendment "A" (H-508) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations"

H.P. 757 L.D. 1039

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461)**.

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

READ ONCE.

Committee Amendment "A" (H-461) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission"

H.P. 882 L.D. 1240

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-479)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)**.

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

READ ONCE.

Committee Amendment "A" (H-479) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception"

H.P. 999 L.D. 1425

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-462)**.

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

READ ONCE.

Committee Amendment "A" (H-462) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others"

H.P. 1336 L.D. 1902

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-480)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**.

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

READ ONCE.

Committee Amendment "A" (H-480) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Quality Physical Education for Elementary School Students"

H.P. 1011 L.D. 1442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-460)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-460)**.

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

READ ONCE.

Committee Amendment "A" (H-460) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion"

H.P. 1296 L.D. 1860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-474)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**.

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

READ ONCE.

Committee Amendment "A" (H-474) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Education Bill of Rights for Deaf and Hard-of-hearing Children"

H.P. 1335 L.D. 1901

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468).**

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

READ ONCE.

Committee Amendment "A" (H-468) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Resolve, To Improve Access to MaineCare Home Health Services

H.P. 1062 L.D. 1537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-484).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484).**

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

READ ONCE.

Committee Amendment "A" (H-484) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Expand the Maine Registry of Certified Nursing Assistants

H.P. 1197 L.D. 1714

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-485).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485).**

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

READ ONCE.

Committee Amendment "A" (H-485) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses"

H.P. 1248 L.D. 1786

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-486).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-486).**

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

READ ONCE.

Committee Amendment "A" (H-486) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure (EMERGENCY)
H.P. 1264 L.D. 1812

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-458)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458)**.

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

READ ONCE.

Committee Amendment "A" (H-458) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Related to Special Purpose Reinsurance Vehicles"
H.P. 982 L.D. 1390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-456)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456)**.

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

READ ONCE.

Committee Amendment "A" (H-456) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force"
H.P. 360 L.D. 461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-488)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**.

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

READ ONCE.

Committee Amendment "A" (H-488) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation"

H.P. 1128 L.D. 1606

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-491)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**.

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

READ ONCE.

Committee Amendment "A" (H-491) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Conservation Easement Laws"

H.P. 1220 L.D. 1737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-490)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490)**.

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

READ ONCE.

Committee Amendment "A" (H-490) **READ**.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-490), in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Clarify the Authority of Municipal Boards and Committees" (EMERGENCY) H.P. 1340 L.D. 1906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-495)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)**.

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

READ ONCE.

Committee Amendment "A" (H-495) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **LABOR** on Bill "An Act To Provide Leave to a Spouse in the Case of Death of or Injury to a Member of the Armed Forces"

H.P. 212 L.D. 256

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**.

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

READ ONCE.

Committee Amendment "A" (H-502) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans" H.P. 427 L.D. 549

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-500)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500)**.

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

READ ONCE.

Committee Amendment "A" (H-500) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Establish the Hearing Assistance Program for Low-income Persons Who Are Elderly or Disabled"

H.P. 773 L.D. 1055

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501)**.

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

READ ONCE.

Committee Amendment "A" (H-501) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **LABOR** on Bill "An Act To Amend Survivors' Benefits under the Workers' Compensation Laws"

H.P. 935 L.D. 1327

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-504)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504)**.

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

READ ONCE.

Committee Amendment "A" (H-504) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage"
H.P. 1298 L.D. 1862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-475)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-475)**.

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

READ ONCE.

Committee Amendment "A" (H-475) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Create the Competitiveness Training Fund and Improve Maine Employment Security Programs"
H.P. 1317 L.D. 1884

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-503)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**.

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

READ ONCE.

Committee Amendment "A" (H-503) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Make Changes in the Laws Regarding Raffles"
H.P. 1187 L.D. 1704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-457)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457)**.

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

READ ONCE.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Election Laws"
H.P. 1227 L.D. 1761

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-489)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489)**.

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

READ ONCE.

Committee Amendment "A" (H-489) **READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** Unassigned, pending **ADOPTION** of Committee Amendment "A" (H-489), in concurrence.

The Committee on **MARINE RESOURCES** on Bill "An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy"

H.P. 1325 L.D. 1893

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-492)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)**.

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

READ ONCE.

Committee Amendment "A" (H-492) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **NATURAL RESOURCES** on Bill "An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility or Incineration Facility"

H.P. 1005 L.D. 1431

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-493)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493)**.

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

READ ONCE.

Committee Amendment "A" (H-493) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-494)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494)**.

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

READ ONCE.

Committee Amendment "A" (H-494) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal Inactive Boards and Commissions"

H.P. 1319 L.D. 1885

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-496)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)**.

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

READ ONCE.

Committee Amendment "A" (H-496) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Improve the Business Equipment Tax Exemption"

H.P. 406 L.D. 528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-453)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453)**.

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

READ ONCE.

Committee Amendment "A" (H-453) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws"

H.P. 437 L.D. 559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)**.

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

READ ONCE.

Committee Amendment "A" (H-505) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Enhance Redevelopment of Mill Buildings"

H.P. 596 L.D. 780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-499)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**.

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

READ ONCE.

Committee Amendment "A" (H-499) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Extend Eligibility for the Trade-in Credit to All Trailers"

H.P. 770 L.D. 1052

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**.

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

READ ONCE.

Committee Amendment "A" (H-497) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Exempt Fuels Used in Farm Tractors from the Sales Tax"

H.P. 811 L.D. 1093

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-454)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-454)**.

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

READ ONCE.

Committee Amendment "A" (H-454) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax" (EMERGENCY)

H.P. 969 L.D. 1377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-498)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**.

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

READ ONCE.

Committee Amendment "A" (H-498) **READ** and **ADOPTED**, in concurrence.

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:

Emergency Measure

An Act To Establish a Fund to Provide American Flags at Veterans' Graves

H.P. 1129 L.D. 1607
(H "A" H-361 to C "A" H-319)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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:

Acts

An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test

H.P. 334 L.D. 418
(C "A" H-368)

An Act Concerning Maine's Highway Safety Laws

H.P. 1284 L.D. 1844
(H "A" H-333)

PASSED TO BE ENACTED and having been signed by the President were 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:

Resolve

Resolve, To Examine Issues Related to Distracted Driving

H.P. 443 L.D. 576
(C "A" H-349)

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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances"

H.P. 636 L.D. 837

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-483).**

Signed:

Representative:

MILLER of Somerville

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

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, 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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Health Care Insurance to Volunteer Public Safety Personnel"

H.P. 686 L.D. 911

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-470).**

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Farmingdale
RICHARDSON of Warren
SAVAGE of Falmouth

CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

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-470).**

Reports **READ**.

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-470) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

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 **TRANSPORTATION** on Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties

H.P. 1203 L.D. 1720

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-487)** (8 members)

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

Tabled - June 11, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 11, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487).**)

(In Senate, June 11, 2007, Reports **READ.**)

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-487) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Term Limitation Laws for State Legislators"

H.P. 1075 L.D. 1550

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-506).**

Signed:

Senators:

SCHNEIDER of Penobscot
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
SCHATZ of Blue Hill

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BOLAND of Sanford
HAYES of Buckfield
COTTA of China

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

Reports **READ.**

Senator **SCHNEIDER** of Penobscot 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.**

Senate at Ease.

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Term Limitation Laws for State Legislators"

H.P. 1075 L.D. 1550

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-506)** (9 members)

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

Tabled - June 11, 2007, by Senator **SCHNEIDER** of Penobscot

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

(In House, June 11, 2007, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, June 11, 2007, Reports **READ.**)

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

READ ONCE.

Committee Amendment "A" (H-506) **READ** and **ADOPTED**, in **NON-CONCURRENCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years

H.P. 1078 L.D. 1553

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509).**

Signed:

Senators:

SCHNEIDER of Penobscot
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
WEAVER of York
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
SCHATZ of Blue Hill

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BOLAND of Sanford
BEAUDETTE of Biddeford
HAYES of Buckfield
COTTA of China

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

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-509) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/31/07) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Wild Trout from Exotic Species"

H.P. 799 L.D. 1081

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-269)** (2 members)

Tabled - May 31, 2007, by Senator **STRIMLING** of Cumberland

Pending - **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 24, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269).**)

(In Senate, May 31, 2007, Reports **READ.** Motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED.** The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED. READ ONCE.** Committee Amendment "A" (H-269) **READ** and **ADOPTED.**)

(In Senate, May 31, 2007, **READ A SECOND TIME.** On motion by Senator **STRIMLING** of Cumberland, **RECONSIDERED ACCEPTANCE** of Minority **OUGHT TO PASS AS AMENDED** Report.)

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you Madame President, men and women of the Senate. A couple of weeks ago we took up this matter. It was a three Senator report, a divided report, it was my mistake to let it go without talking about it. So today we will discuss Splake, brook trout and we'll discuss how the committee does its work and how rules are made inside the committee. There's one piece, we're going to have to pass it out, that really points out from a biology standpoint, what the issues are. What we'll do first is we'll talk about Splake, we'll talk about how we got to where we are, and we'll talk about the committee's action.

Splake was developed in 1890, and for a period of time a number of people used it in within the United States. Inland Fisheries and Wildlife started looking at Splake back in the 1950s, and that's when the biologists started to look at it. The biologists were looking for tools that they could put in their toolbox to improve the quality of fishing in the State of Maine and also to protect the resources. We have to remember that the biologists are people whose only goal is to protect the resources of the State of Maine. The other piece that I have, and when everyone has a chance to actually read the report, that it's a biologist's report. It's not a political report, it just lays it out as they present it. The other piece I have here that was just handed out, shows what a Splake looks like and how there's been a lot of miscommunications around that issue. We want to get out there and let people know that the second part of this that's important for the body to know that when we're talking about wild brook trout and we talk about policy around Brook Trout, it's a serious matter to the Committee on Inland Fisheries and Wildlife.

As we move up to the 1980s, Splake had become a little bit more a tool that biologists could use in their toolbox. Since 1980 and on we have put on a label now of 'bucket biologist.' In fact you have a body of water that's not producing the amount or type of fish that someone wants to catch or guys aren't making enough effort and people expect to pick them up easily. So in the 1980s, biologists started looking at this fish and some of the characteristics of this fish. The fish grows bigger than a Brook Trout, lives in less quality of water than a Brook Trout will live in, and it also doesn't reproduce. Those three qualities are what biologists look for to help them provide a better fishery in the State of Maine. That brings us up to the current.

What biologists do once they start to have a new process in place, is that Inland Fisheries and Wildlife has a number of working groups. We have the big game working group, we have the cold water fish working group, and we started new policy, we take all the people who are involved in that working group. Splake came out of the cold water working group. To set policy, you would then take all your groups that are interested in fishing, put them in with the biologists, and you would start to work on a process that would allow you to put a management plan in place, and that's what we've done with Splake. Splake's been important for biologists to keep that tool in their tool box, and we've put the management plan which involves SAM, Trout Unlimited, and biologists and regular fishing people out there, and they set the plan out for 10 years. Then Inland Fisheries and Wildlife and biologists follow that plan. When it comes to this bill, we went into the management plan, and a few years into it there was a problem, and so we addressed that. We put the cold water working group back together, and this other piece I'm going to hand out, gives you most of the information.

Basically, the cold water working group came back together and decided there were two problems. One, which is part of my district, is Sturtevant Pond. The critical part of Sturtevant Pond is that it's close to Route 16, it's close to the lakes area, and if you don't provide a good enough fishery in that pond that a lot of people have access to, all of a sudden you have the 'bucket biologists' putting Black Crappy and Pike in there. So, biologists in that area use Splake in that pond in order to satisfy people in that area. That drainage system goes down into Umbagog Lake, and has an opportunity to come to the river. So that was our full discovery. We brought that back to the working group, and as you can see, everybody got together and they agreed to a fair and reasonable decision, except for one person. This is the point

that I need to stress. If you do working groups to set policy and all of the people get together and work it all the way through and come to a decision, and then when one doesn't agree, they put a bill in. This is a serious problem because all the work that everybody's put into that doesn't mean anything. So you stop having working groups who work on policy and instead have everybody put in bills. Or you have groups who weren't part of the working group put in bills. Those are the kinds of problems that are there.

That brings us to the Committee report. The committee looked at this bill that says if you stock Splake it will be a Class E violation and you are fined \$250 by Inland Fisheries and Wildlife. From there it goes against Splake and protects wild brook trout. The committee heard testimony around that in the public hearing and there were accusations made that Inland Fisheries and Wildlife biologists didn't have the best interests of the wild brook trout at heart. The committee requested that four of our top biologists in the field come to the committee's work session to work through each one of the issues. The majority of the committee felt the same way as the cold water working group did, and thought there was a good policy in place. As you can see, the IF&W met it's goals and objectives in the Splake program. As a note, in 2002 the cold water group that I worked on, with all the groups, including SAM, Trout Unlimited, and a number of others, continued to look all of the pieces of that problem. I think it's a bad precedent to set if everybody is working for the management plan, and then others come down on the back side and try to destruct it. It's very negative. I just wanted to lay out the parts and pieces for you, because I want to make sure that this body understands that when you talk about catching a wild brook trout that Inland Fisheries and Wildlife and the committee is totally committed to making that happen. I would urge you to vote for the pending motion.

On motion by Senator **BRYANT** of Oxford, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/1/07) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to the Wells-Ogunquit Community School District"

S.P. 375 L.D. 1123

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-175) (9 members)

Minority - Ought Not to Pass (4 members)

Tabled - June 1, 2007, by Senator **BOWMAN** of York

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

(In Senate, June 1, 2007, Reports **READ**.)

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

Senate called to order by the President.

READ ONCE.

Committee Amendment "A" (S-175) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (6/5/07) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Political Activities of Corporations"

S.P. 530 L.D. 1507

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-187)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - June 5, 2007, by Senator **MARRACHÉ** of Kennebec
Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 5, 2007, Reports **READ**.)

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

Sent down for concurrence.

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

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

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.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 3:30 in the afternoon.

After Recess

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales"

S.P. 54 L.D. 143

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

MOORE of Standish
WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor
HOLMAN of Fayette

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-245)**.

Signed:

Senator:

PLOWMAN of Penobscot

Reports **READ**.

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

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

Senator **PLOWMAN:** Thank you Madame President, men and women of the Senate. It's not often that I get to stand up on a bill that I'm the only one on the report, but this is a bill that I have brought forward twice now, and it's been brought forward by others as well. This bill would allow direct-to-consumer wine, is the way I would envision it, and not beer. It would allow people to take part in things like the wine of the month club, which you can't

now, and would allow you to order wine from out-of-state places where you really enjoyed what you've bought. This allows for the creation of a license. You have to have a license in order to do this. It's not a very expensive license, but it puts you on record with the State that you would be doing this importation, and you would be limited to how much you could actually buy. It also allows our farm wineries in the State of Maine to be able to ship to customers, again with a limit, and again needing a license to do so. To send a shipment to people who just last year, maybe or the year before, had visited one of those wineries in person and had made a purchase. In order to be able to enjoy our Maine wine again, the person actually would have to come back here and place an order in person, and then have it shipped. The shipment of wines is actually allowed. We're not starting anything new about being able to ship your wine somewhere outside of Maine. We're trying to make it so it doesn't have to be a face-to-face transaction to get that wine shipped. We've built in safeguards that require the licenses, and the safeguards that limit the amount that can be shipped. This is to be a consumer bill for the person who's drinking and it's to be a consumer bill for the small businesses of Maine, and fine wineries are limited. They're small businesses as they're defined and as long as they stay that small and stay in that category. It's a small business and consumer bill, and unfortunately, there have been some ideas that this will allow big chains, or the big guys, to take advantage of it. The safeguards make sure that that doesn't happen and I would ask you to let this go forward. Let's see how it works and how our companies reach new markets and how consumers will be able to enjoy products that they have learned about and heard about in other parts of the world. Thank you, I appreciate it.

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

Senator **BROMLEY:** Thank you Madame President, men and women of the Senate. This is a lopsided report, and I thank the Senator from Penobscot, Senator Plowman for supporting this bill. It is my bill. I have supported this issue since coming here some years ago. I look at this in a couple of ways. Let's be clear that we're talking about mail ordering wine, not wholesale spirits. I come at this from the economic argument, one of reciprocity, where we have small wineries in Maine. Because Maine is one of the few states that doesn't allow this, our wineries can't ship out. That doesn't make any sense to me. There are arguments saying that this will encourage underage drinking. There is absolutely no evidence to support that. In fact, UPS, DHL, or whoever is the carrier, has a protocol where they don't leave it on the steps, they require a signature from someone of age and identification. Quite frankly, in my days of watching underage drinking, I won't say participating in the same, but we certainly wouldn't have ordered it from California, we would have gotten it more expeditiously. It's already allowed by other states, the face-to-face is taken care of with an agent of delivery, and there is no reason that I can think of that we would want to limit our farm wineries from Maine being able to export to other states. I hope you will join me in opposing the pending motion.

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

Senator **MARRACHÉ:** Thank you Madame President, men and women of the Senate. I rise to speak to the reasons why I will be

supporting the Majority Ought Not To Pass report. As many know, you can obviously sell wholesale, you just can't retail. The issue is we have a three-tier system in this state and it's unique. We have multiple little carve-outs already and this would literally also start adding to the destruction of the three-tier system if this goes into place. That is one of the biggest arguments for the Ought Not To Pass report. What I would suggest to you is we had a visit today from the acting Surgeon General, and he is promoting the limitation of underage drinking. He's going around from state to state to bring this up. This is one of those bills that might actually cause problems with underage drinking. If it is arriving at people's houses, I know there are some protections in place, but there's no way you can guarantee that children living in the home who are under 18 would not have access to the stuff arriving at the door. We had testimony given by Col. Fleming of the Maine State Police saying that their ability to recognize violations and enforce the terms of this law, would be virtually impossible. There is no way to know whether the person who is getting the wine at the house is actually over 18 or is the intended person. They are very concerned about the ability to control that. We had testimony by the Maine Association of Substance Abuse Programs, and what they found in 2005, in a National Academy of Sciences report, is that ten percent of teenagers received alcohol by home delivery in other states. This is an issue for our children and making sure they don't have access to alcoholic beverages in an easy manner that cannot be policed. I urge you to vote Ought Not To Pass. Thank you.

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

Senator **DIAMOND:** Thank you Madame President, men and women of the Senate. It just strikes me a little bit that we're going long, long ways to protect ourselves. My wife went to Italy last summer and she could not send back a bottle of wine to our house. She couldn't do it. It just doesn't make sense. If you go anywhere outside of the State of Maine and you want to send back a bottle or want to join a wine club, which many people like to do as well, you can't have the wine sent to your home. It doesn't seem to make sense. I think we've gone a little too far trying to protect ourselves. We're doing a good job now at working to make sure our underage drinking is minimized. I would just urge us to think about how far we really want to go. It just seems to make common sense that we should allow that to happen. I have a little winery in my district and they would like to be able to participate, as other small businesses do. So, there are two things to think about: we have a small business winery and we have a practical sort of thing where we would like to be able to do what most other people in other states can do, and that's simply send back a bottle of wine. Thank you.

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

Senator **SAVAGE:** Thank you Madame President, men and women of the Senate. I have experience with wineries. My son has a winery, he produces his own wine, he raises his own grapes, and he sells it from his winery. He does not sell it in the open market. But he's had people come and buy his wine who go to Florida in the winter, and then called and said, 'We like that, please send us another case,' and he has to say, 'Sorry, you'll have to buy it in person.' This isn't fair to farm wineries who are

trying to make a living and sell a product that is unique to the State of Maine. I hope you'll oppose the Ought Not To Pass and go on to support it. Thank you.

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

Senator **SCHNEIDER:** Thank you Madame President. I rise to let my colleagues know that you are able, upon returning from a foreign country, to carry back with you two bottles of wine. And I'd also like to say for the record that although I support the local wineries, I also am not in favor of underage drinking and I think any step backwards is detrimental to our state. I will be supporting the Ought Not To Pass motion.

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

Senator **SULLIVAN:** Thank you Madame President, men and women of the Senate. I rise because of constituents within my district that are actually in the business of wine tasting gatherings. This is in fact the very same constituent that the Senator from Cumberland, Senator Bromley was speaking of that spoke to her. She literally may have to move the business out of the State of Maine to New Hampshire because they allow it. This is her business and I maintain that underage drinking is going on and we know it is. Whether the wine is delivered to your house or you keep a liquor cabinet full of liquor, if kids want it, they're going to get it. We've all heard the stories of how water dilutes vodka as you take it from your children. I hear stories all the time teaching school. If kids are going to drink, they're going to drink. I'm not a promoter of underage drinking. I am a promoter of people being allowed to earn money in their market situation. I think you've heard several people talking about wineries and not being able to sell your product. This is regulation gone too far. I ask you to oppose the present motion. Thank you.

At the request of Senator **BRYANT** of Oxford, Reports **READ**.

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

Senator **BROMLEY:** Thank you Madame President. I just want to remind the men and women of the Senate that the Chair of the Criminal Justice Committee, who's very concerned about underage drinking, is not as concerned as some of us might be in the chamber. I request that a vote be taken by the yeas and nays.

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 (#121)

YEAS: Senators: BARTLETT, BRANNIGAN, BRYANT, DAMON, HOBBS, MARRACHE, MCCORMICK, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, SMITH, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BOWMAN, BROMLEY, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARTIN, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **MARRACHE** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-245) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Licensing of Landscape Architects"

H.P. 1249 L.D. 1787

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-451).**

Signed:

Senator:
BROMLEY of Cumberland

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
SILSBY of Augusta
SMITH of Monmouth
RECTOR of Thomaston
BEAUDETTE of Biddeford
CLEARY of Houlton
PRESCOTT of Topsham

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

Signed:

Senators:

SCHNEIDER of Penobscot
COURTNEY of York

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-451)**.

Reports **READ**.

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

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

Senator **BROMLEY:** Thank you Madame President, men and women of the Senate. Just a couple of words for the record. When this bill came to us it was a little far-reaching and we sent the parties to work and to come together, and they did in an extraordinarily swift fashion and they got back to us a product that everybody liked, and in recognition of that work I hope you'll support the pending motion.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#122)

YEAS:

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

NAYS:

Senators: COURTNEY, GOOLEY, MARRACHE, NASS, SCHNEIDER, SMITH, SNOWE-MELLO

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-451) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **UTILITIES AND ENERGY** on Bill "An Act To Stimulate Demand for Renewable Energy" H.P. 1356 L.D. 1920

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4.

Signed:

Senators:

BARTLETT of Cumberland
HOBBS of York

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
FLETCHER of Winslow
ADAMS of Portland
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4.

Signed:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-516)**.

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE

House Amendment "A" (H-516) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones" H.P. 540 L.D. 719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-330)**.

Signed:

Senators:

SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
RECTOR of Thomaston
BEAUDETTE of Biddeford
CLEARY of Houlton

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

Signed:

Senator:

BROMLEY of Cumberland

Representative:

SMITH of Monmouth

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-330) AS AMENDED BY HOUSE AMENDMENT "A" (H-467)** thereto.

Reports **READ**.

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. By way of explanation, men and women of the Senate, this bill also has a fairly long set of reports and it came to us asking us to expand the Pine Tree Zone benefits to basically anywhere in the state. Those of us who worked hard to try to narrowly craft Pine Tree Zones when they were first imagined, imagined it as a benefit to the rural areas to try to bring economic development to rural areas. This bill would forever gut that intent and make it statewide. There are two entities who would take advantage of this. However, because this exact language and I'll point you to the H-330, the Committee amendment and Part QQQQ in the budget, takes this exact bill and enacts it in the budget, making this unnecessary. Thank you.

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

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

Senator **COURTNEY:** Thank you Madame President, men and women of the Senate. I'm going to be opposing the Indefinite Postponement and I'm going to support the majority of the committee. While I'm not allowed to talk about the amendment, if I was to talk about the amendment I would say that it would reduce the threshold so it could be more beneficial to small, small, small businesses, and let's extend Pine Tree Zones to all businesses in the state. This is my way of trying to go down that path. Thank you Madame President.

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

Senator **SCHNEIDER:** Thank you Madame President, men and women of the Senate. I too will be opposing the Indefinite Postponement and I am in favor of this bill and the amendment that's set out. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you Madame President, men and women of the Senate. I wonder how many times you have to be for something before someone decides that it is okay? If members would take their budget and look at Part QQQQ, it is word-for-word the Committee amendment that came from the committee. I repeat. It is word-for-word. Now we can have five roll calls, but there is absolutely no need for this bill at this time. I was opposed to putting it into the budget, because I thought it should have gone through the process, but there was someone on the second floor who wanted it in there, and it got put in. It's that simple. Whether you're for or against this bill before you, your vote today is meaningless on this motion of Indefinite Postponement.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON**: Thank you Madame President, men and women of the Senate. I'm thankful for the opportunity to vote on every bill, whether something is meaningless or not, so I'm going to take this opportunity and I thank our Constitution for it.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you Madame President, men and women of the Senate. I think it's important that we read what we have already enacted.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer"

S.P. 312 L.D. 995

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-262)**.

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

READ ONCE.

Committee Amendment "A" (S-262) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection"

S.P. 687 L.D. 1888

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-263)**.

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

READ ONCE.

Committee Amendment "A" (S-263) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Lower the Cost of State Government (EMERGENCY)

S.P. 338 L.D. 1021

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

Signed:

Representatives:

- BARSTOW of Gorham
- BOLAND of Sanford
- BEAUDETTE of Biddeford
- CURTIS of Madison
- JOY of Crystal
- 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" (S-264)**.

Signed:

Senators:

- SCHNEIDER of Penobscot
- BRANNIGAN of Cumberland
- BENOIT of Sagadahoc

Representatives:

- WEAVER of York
- SIROIS of Turner
- COTTA of China

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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 (#124)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, 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, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senator: TURNER

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-264) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurance Coverage for Hearing Aids"

S.P. 537 L.D. 1514

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-265)**.

Signed:

Senators:

- SULLIVAN of York
- SNOWE-MELLO of Androscoggin
- BOWMAN of York

Representatives:

- BRAUTIGAM of Falmouth
- CANAVAN of Waterville
- CROCKETT of Augusta
- VAUGHAN of Durham
- TREAT of Farmingdale
- RICHARDSON of Warren
- SAVAGE of Falmouth
- CONOVER of Oakland
- PRIEST of Brunswick

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

Signed:

Representative: McKANE of Newcastle

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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 (#125)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, HOBBSINS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, PLOWMAN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DOW, GOOLEY, HASTINGS, MILLS, NASS, RAYE, ROSEN, SMITH, TURNER, WESTON

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-265) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committees on MARINE RESOURCES AND NATURAL RESOURCES on Bill "An Act To Protect Native Diadromous Fish during Their Migration"

S.P. 551 L.D. 1528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-252)**.

Signed:

Senators:

- DAMON of Hancock
- DOW of Lincoln
- SNOWE-MELLO of Androscoggin
- MARTIN of Aroostook
- BARTLETT of Cumberland

Representatives:

- EATON of Sullivan
- FLETCHER of Winslow
- MacDONALD of Boothbay
- PERCY of Phippsburg

- MAZUREK of Rockland
- ADAMS of Portland
- HAMPER of Oxford
- WAGNER of Lewiston
- ANNIS of Dover-Foxcroft
- MIRAMANT of Camden
- EBERLE of South Portland
- KOFFMAN of Bar Harbor
- DUCHESNE of Hudson
- AYOTTE of Caswell
- BABBIDGE of Kennebunk

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

Signed:

Senator:

SMITH of Piscataquis

Representative:

McDONOUGH of Scarborough

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#126)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBSINS, 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

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**. **READ ONCE.**

Committee Amendment "A" (S-252) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

REPORTS OF COMMITTEES

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 **LABOR** on Bill "An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State, County and Municipal Employees"
S.P. 257 L.D. 814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-268)**.

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York
DOW of Lincoln

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:

Representatives:

THOMAS of Ripley
HAMPER of Oxford
DUPREY of Hampden
SYKES of Harrison

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-268) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate

Ought to Pass

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Local Plumbing Inspectors"
S.P. 376 L.D. 1188

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.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/29/07) Assigned matter:

Bill "An Act To Require That Notaries Public Keep Records of Notarial Acts"
S.P. 538 L.D. 1515

Tabled - May 29, 2007, by Senator **MITCHELL** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 29, 2007, **READ A SECOND TIME**.)

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "A" (S-225) **READ**.

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

Senator **SCHNEIDER:** Thank you Madame President. There were some concerns about this bill, and I'm hoping that this amendment will address some of those concerns. One of the concerns had to do with batching documents and you are able to do that with this amendment. Some of the other issues had to do with notaries on voting, and we've addressed that issue. The signature printed and the name and address of each credible witness swearing or affirming the principal's identity if the credible

witness is not personally known to the notary public, the description of the identification documents on which the notary public relied, will be left in place. I'm hoping that these modifications to this bill will bring enough comfort to people where they will feel that this documentation of records will be acceptable. I think it's important that we maintain some records for notaries and that we give some cover to those people who are notarizing large numbers of documents, who are being asked to do this in their places of business with just the direction of their superiors. I know this happens often in legal offices and this amendment will allow those notaries because they'll only be required to keep some records for these documents. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Madame President, ladies and gentlemen of the Senate. This is a solution searching for a problem. We have met with the Secretary of State, and he is concerned about something to do with identity fraud or notary fraud. That does not exist as a problem. When asked outright, we were told that that is not a problem in the State of Maine. I am a notary public, and I expect others are here. I claim no self interest, and I don't get paid for being a notary public, and I've never charged. One offshoot of this may well be that notaries will start to charge a larger fee. What a notary has to do in every event under this law is to keep a log that includes at least the date and time of the act, the type of act, the type and title or description of the document or proceeding, the signature, printed name and address of each principal, the evidence of the identity of each principal in the form of a statement that he's known to the notary or a form of identification, the signature, printed name and address of each credible witness swearing to or affirming the principal's identity. This is a very time-consuming process and I'm not aware of any issues in this state which have arisen as to fraud by notaries. Now if we have a problem, then we can try to put a solution to it. But once you create this administrative burden on notaries, you make no problem into an established necessity. Ladies and gentlemen of the Senate I would urge that you vote against the pending motion. Thank you.

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

Senator **MILLS:** Madame President, men and women of the Senate. I share the perspective of the good Senator from Oxford, but I think the amendment is well taken and I think we ought to be making our final decision on the bill, not on the amendment. For that reason, I favor the pending motion, but I will join with the Senator from Oxford in opposing the bill.

Senate Amendment "A" (S-225) **ADOPTED**

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you Madame President. I believe that we've tried very hard to make this bill palatable and work, and

that the amendment certainly moves in that direction. But I think in the final analysis, I believe that we are trying too hard to make people have records. When I notarize something, I'm basically notarizing the signature of a person I know, and I'm notarizing that person does exist, and I think that in instances where in fact I am called into a court of law to be a witness on a document and whether or not I notarized it, it was very simple. They provided me the document, I recognized my signature and the person's signature, and that was the end of the issue. Other than that, we are complicating the process to a point where we will create permanent notary publics in various areas and people will start charging, and I see run-away possibilities of this approach, even though I do support what the committee was trying to do.

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

Senator **SCHNEIDER:** Thank you Madame President, men and women of the Senate. I hope you will oppose the Indefinite Postponement. I think recordkeeping for these kinds of things is actually quite simple. This is not a big process, it's a normal process in many, many other forms of business that we do. Writing someone's name and address and so on down, is not a huge overbearing problem. It does keep a record and if the notary was to pass on, there will be somebody to actually have a written record. I think it's proactive and I think that fraud is getting more and more common. I think it's better to not wait for the accident to happen. Why not be proactive on something? I think this is taking a proactive approach, and it's not overbearing. Simply writing simple things down in a log book does not make major difficulty. If it is, perhaps they shouldn't be in the notary business. I'm hoping you will not support the Indefinite Postponement.

The Chair ordered a Division. 22 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/5/07) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel"

H.P. 1130 L.D. 1608

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-329)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - June 5, 2007, by Senator **BOWMAN** of York

Pending - **FURTHER CONSIDERATION**

(In House, May 30, 2007, 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-329).**)

(In Senate, May 31, 2007, on motion by Senator **BOWMAN** of York, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, June 1, 2007, that Body **INSISTED**.)

Senator **MITCHELL** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

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

Senator **MILLS:** Madame President, men and women of the Senate. I think the issue that lies before us is quite simple, and that is whether the State Board of Education should be delegated the responsibility to develop, promulgate, and amend from time to time, rules dealing with certification of teaching personnel. The bill as written and amended, would require that any rules they may chose to promulgate have to come back as major substantive rules. I think that the State Board of Education is one of those very special groups of people. They are involved, appointed by the governor, and reviewed and accepted by the Education Committee and this chamber. It seems to me that they can be entrusted to write these rules, and if for some reason we as the Legislature are unhappy with their work product, we always have the option of introducing a bill on these topics. But to bring them back to the committee as major substantive rules seems to me to be a vote of no confidence to the Board and I suggest we leave them to their work. For that reason I asked that you oppose and vote red on the pending motion. Thank you.

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

Senator **MITCHELL:** Thank you Madame President and distinguished colleagues of the Senate. To design rules that affect the most fundamental rights and responsibilities, I might add, of teachers in our system, to come back for review by this legislative body, is appropriate, and that's what this does. We're talking about teacher workload, time, and money. I think that the Education Committee and this body should be indeed reviewing those rules. It's absolutely fundamental to the quality of our teaching workforce. I hope you will join me in the motion to Recede and Concur, and join the majority of the Education Committee in that decision.

At the request of Senator **MILLS** of Somerset a Division was had. 12 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **MITCHELL** of Kennebec to **RECEDE** and **CONCUR**, **FAILED**.

Senator **MILLS** of Somerset moved the Senate **ADHERE**.

Senator **MITCHELL** of Kennebec moved the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#127)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MITCHELL** of Kennebec to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**, **PREVAILED**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/5/07) Assigned matter:

Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08" (EMERGENCY)

H.P. 1307 L.D. 1875

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-382)**, in concurrence

(In House, June 4, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382).**)

(In Senate, June 5, 2007, Committee Amendment "A" (H-382) **READ**.)

Committee Amendment "A" (H-382) **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (6/7/07) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 727 L.D. 967

Majority - **Ought to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-328)** (5 members)

Tabled - June 7, 2007, by Senator **BOWMAN** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, June 6, 2007, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-398).**)

(In Senate, June 7, 2007, Reports **READ**.)

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

House Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (6/7/07) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Student Voter Registration"

H.P. 174 L.D. 203

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-425)** (5 members)

Tabled - June 7, 2007, by Senator **MARRACHÉ** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 6, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 7, 2007, Reports **READ**.)

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

Senator **PLOWMAN:** Thank you Madame President, men and women of the Senate. If I get a little emotional here you'll have to forgive me, but this is the last bill that Representative Holman and I were working on together before she passed away. I thought I'd be better prepared for this day because Representative Holman was always prepared and set an incredible example for the committee in her research and diligence.

The bill that came before us in its original form was 'An Act Concerning Student Voter Registration,' and it wasn't a well-drafted bill, to say the least. It was brought forth by a member of the other body who was greatly concerned about students who come to Maine and vote in local elections. He had heard of many students who voted here and at home, and thought there might be a way to get at determining if they haven't. Unfortunately, the bill as written was not the vehicle to do that. When we looked into it, I was very sure, as many people were, that this was not a bill that would attempt to disenfranchise anyone. The student can vote in whichever residence they declare. What we wanted to make sure was that the student was declaring a residence, and that the residence would be their filing. The fact that a person lives in the dorm does not by itself infer the right to be able to vote there, nor does it deny the student the right to vote there. That is the Supreme Court decision that came down and said that where the student lives is not a defining factor. The defining factor is where the student registers to vote - a student who registers to vote and participate. What we were looking at was ways to make sure that the student actually is a registered voter, fully participating in Maine. What Representative Holman and I were looking at was a way of amending the bill to take the residency aspect away and changing what documents would need to be provided to the registrar to show that the student was actually there and ready to vote.

In the last election, many students were afforded the right to vote by showing up with magazines, third class mail, sent to their dorm. My poor superintendent found out a little while ago that it would take him hours and hours to undo the cards that were sent by someone who didn't like him very well, and signed him up for every free magazine, every telemarketer, every condo, and they all came third class, which is not the best indication of residency. That's what Representative Holman and I were trying to get at. Incredibly, as we went along, we found out that there are Constitutional cases that deal with the student issue, but those were a lot newer than the unsigned, undated letter of opinion that was in the attorney general's file that we have relied on for years and years and years. The attorney general was asked to place this in his opinion file by a memo from Judge Gignoux when he was sitting with the attorney general in chambers. That's the kind of work that Representative Holman did - she dug and dug, and she saw the Constitutional cases, and asked what the basis for the challenge was. She got answers that would have surprised you if you had been on the committee. She was not interested at all in disenfranchising any student, but in helping to develop the amendment. That amendment says that if you are here and you want to be considered a resident, and it doesn't say anything about being a student, you must produce a certain level of information to assure that you are indeed eligible to vote and that you are willing to surrender your voting in another district that day, that you will say, 'if I'm here registering today, I will not vote in any other election because I am a resident of this district.' That's about as straightforward as you can get. I'm glad that she was able to work this out, because there was a lot of anecdotal

evidence that there are people who will take advantage of voting in several districts. Unfortunately, Maine law does not yet provide the safeguards that I and others have asked for in tracking this kind of system by a central voting registration that would indeed help us, as they are put together all over the country. In the meantime, voting is a right and with rights come responsibilities. And with responsibilities comes the duty of our registrars and our town officials to make sure that the people who do appear before them are doing what they are suppose to do - one man, one vote, in one election. That's what we're asking for with this amendment. I would ask you to turn down the pending motion and to go forward and make sure that right, responsibility, and duty is exactly what we're confirming. Thank you.

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

Senator **BENOIT:** Thank you Madame President, ladies and gentlemen of the Senate. I'd like to share a quick story with you. When this first came up, it occurred to me that over four years of my son going to college in Florida, I had gone to our gal in Phippsburg and I had an absentee ballot mailed down to him in Florida in college and he filled it out and he sent it back, and every election he would pull up the Times Record and find out what was going on in the Phippsburg area and then he was in tune to what was happening in the local community and voting on issues that were important to him as a Maine resident. He happened to be in Florida going to school, but he was a Maine resident and registered to vote there. When this came up I gave him a call, and I said, 'Dennis, as a college student who has graduated, what do you think of this?' And his comment was, 'Mom, they don't have a clue in Orono, believe me, they don't have a clue what's going on in the Town of Orono.' His friends are at Orono, so he used that as a reference. I thought it was very interesting when this came up because my first instinct was, 'gee, I don't see why they can't vote if they're in school and they live in Maine.' But after thinking about it a little bit, I realized that you should be a resident of the area you are voting in. You should be informed about what's going on. These are people's lives and they're being affected by these votes, so I just pass that story on. Thank you.

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

Senator **MARRACHÉ:** Thank you Madame President, men and women of the Senate. This bill, when it came up before us in committee was attended by the largest group we've ever had. Most of them were students coming in to protest, and they were very upset with the provisions within this bill. I agree with a majority of those who testified that this truly is a bill that disenfranchises a unique subset of our citizens. Most of the citizens in the State of Maine have an opportunity to vote, and that's a good thing. They also purported that they are very active in the communities that they are currently living in while attending school. Many of them are socially active in non-profit organizations, volunteering, getting involved in activism, and you'll see some of them down here lobbying in the hallways. A lot of them are involved and should have the right to vote in the state that they are living in the majority of their time. Some of them even have summer jobs, so they're not even going home at some point. This bill seeks to remove their ability to absorb themselves

in the current events that are surrounding them. We want people here to learn to get involved and this is one mechanism of doing so by allowing them to vote in the local elections that occur in the schools they are attending. When we talk about children growing up and becoming involved in politics in general, and with the apathy that's out there right now, this is a means of getting them involved by allowing them to participate. When we hold that out, we are losing a very important aspect of developing our children. I urge you to join me with an Ought Not To Pass vote. Thank you.

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

Senator **BARTLETT:** Madame President, I rise in support of the pending motion. I find the premise underlying this bill somewhat offensive. I represent a college community and there are a number of college students that get involved in both the campaigns. Some of them run for office, whether it be a local town office or the House of Representatives. There are many engaged citizens. It seems a problem for us to assume that anyone who attends college someplace tends to be an elite. In fact, we're constantly talking about keeping more of our students here once they graduate from college. This sends the wrong message, saying, 'look we don't consider you full fledged residents even though you live here, you may live off campus, you may have an apartment, you live and work here year-round and intend to stay here.' To me it's about where they live, where they intend to stay. If you don't intend to stay in the area then you should consider that when making voting decisions. Indeed, courts nationally have recognized that a factor of residency is not just where you are, but where you intend to make your home. If you're temporarily in a place, that technically is not your residence. I think we should allow the students to have the freedom to choose, encourage them to get active, and respect their right to be involved in the political process just as much as everybody else. Thank you.

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

Senator **SCHNEIDER:** Thank you Madame President, men and women of the Senate. I'd like to share with you the fact that I am a resident of Orono and I also represent a college community. In fact, the first time I met my chair from the other body, Representative Barstow, was when I was on the Orono town council and he came before us to ask that the voting time be changed for the local elections because students were on vacation the time when we held elections for our council seats. It was really wonderful to see a college student at the University of Maine and others, not just Representative Barstow, but others in the college community, interested enough to get involved in the process. In fact, I think it's so important that we encourage voter participation and we don't do anything to discourage that. I would hope that students get involved in the community where they're living and working. Often they are taxpayers in that community. I think this is a bill that would squelch that, and I would hope that all of you would support the Ought Not To Pass motion and send the message that we encourage students to become involved and engaged. I can tell you that there may be some students who are not involved and engaged in Orono, but many, many are. It's really a tribute to them, to their activity, that they care deeply

about their community and they care deeply about this state and this country. I want to promote that as much as I can. Thank you very much.

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

Senator **RAYE:** Thank you Madame Chair, I would like to pose a question to the Chair. I'm just wondering if there's anyone in the body who can tell us if there are implications for public institutions that charge out-of-state tuition to non-residents if those very same non-residents are registered voters in Maine?

THE PRESIDENT: Senator Raye has posed a question to the Chair for anyone who may answer. Is there anyone who may answer? The Chair recognizes the Senator from Kennebec, Senator Marrassé.

Senator **MARRACHÉ:** I believe the answer is 'no.' We did have that question brought before the committee and we were told that an institution may come up with their own guidelines for in-state or out-of-state irrespective of whether you vote.

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

Senator **BROMLEY:** Thank you Madame President, men and women of the Senate. Those of us who grew up in Sunday school Christian tradition heard that story about Mary and Joseph going to Bethlehem to pay their taxes. I used to think it was really silly back then, and wondered why they didn't just pay their taxes where they lived. This bill has the same sort of flavor to me. The point to the issue of encouraging young people who come to our state for their education to remain, it's a critical issue not pertinent to elections, but for our economy. People who come to Maine are precious and whatever we do that signals we want them to stay, we think they're a part of the state. These are both critical points. It certainly doesn't preclude people like the good Senator's son from voting absentee, that is certainly an option. But those who are already established and have connections with the community have the right to vote. I urge you to support the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman. Are you rising to answer the question? You may proceed.

Senator **PLOWMAN:** Thank Madame President, men and women of the Senate. There are no indications that any school can set an in-state tuition and out-of-state tuition and they may be for purposes of the school when a student does become a resident. I would point out again that everything that was just said by the previous speakers was acknowledged by the committee and we all recognized the Constitutional areas to this. I would again point out to you that what we are asking for are certain kinds of documents to be put forward. I will tell you right now that a student from the University of Maine could not get a fishing license in this state without twice as much proof as you would ask them to show in order to register. We're asking them to show a letter that's been sent first class as ID. They may file a sworn affidavit and they may vote. There was no intention here of depriving anyone of the right to vote. There is not an Ought To Pass that says, 'please pass this bill.' There is an Ought To Pass

as Amended that recognizes every aspect of what was just raised, and I would point out to you that should you read that, you will find nothing of what was just spoken about. But when the question was asked as to what residency requirements we have for tuition, I will tell you that we have a residency requirement to throw a line in a lake and catch a fish that far exceeds anything we ask of any person, 18, 21, 45, or 83, to stand before a registrar and say, 'I'm here and I'd like to vote and here's who I am.' I thank you for the opportunity to bring you back to what would actually be the Ought To Pass, because there is no Ought To Pass on the original bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Madame President, ladies and gentlemen of the Senate. It seems to me in reading the summary of this bill that says the registrar is going require on oath on terms of claimed residency – it says it 'may' it doesn't say he has to – 'require the person seeking to register as a voter to state that the voter surrenders the person's voter registration in any other jurisdiction.' It seems to me that would be only a fair thing to do. If you're claiming the right to vote in a particular area, the correlation to that seems to me would say 'I'm not going to vote any place else.' Regarding the issue of out-of-state tuition, I would pose this question to the Chair, would a student registered to vote, and I didn't quite hear the answer to that, and they are still being charged out-of-state tuition, would they have a lawsuit of discrimination?

THE PRESIDENT: The Senator from Aroostook, Senator Sherman has posed a question to the Chair to anyone who may answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you Madame President. I will be more than happy to respond to the question. The answer is 'no.' When students come in to apply to vote before the registrar, the registrar will ask them whether or not they are a resident of the community. It doesn't matter where they are from. Keeping that in mind, as the good Senator from Washington, Senator Raye was probably asking on that basis as well, we have a lot of students who come here, and once they're here want to apply for in-state tuition. The process that they use gets them to the point of being able to get a residency in this state. That is a change in driver's license, they change their registration if they have it, they change their voting district. These are the requirements of the system that the University uses to determine whether or not they are residents. The final requirement is where they are during the summer months. If they are not going back home for more than two or three weeks in the course of the year, but are working wherever that may be, then the University moves to proceed to give them a residency status. We don't want to give it to them as a university because that means we lose money on every person. So we try very hard to make it as difficult as possible in order for them not to get to that stage. But in the final analysis, that's the process that is used.

THE PRESIDENT: The Chair will remind folks to refer to the motion in front of us which is the Majority Ought Not To Pass report. The Chair recognizes the Senator from Franklin, Senator Gooley.

ROLL CALL (#128)

Senator **GOOLEY**: Thank you Madame President, men and women of the Senate. I represent a college community and I remember my last term in the other body a few years back that there was a presidential election and there were 700 same-day registrations in Farmington. And 650 of those were college students. That really put a lot of stress on the people who had to work on those registrations. Documentation is somewhat of a problem, the way I see it, because you can bring an envelope in that has your name on it and just show that and that will get you in so that you can vote. I do see documentation as being a problem in registration. Thank you.

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

Senator **ROTUNDO**: Thank you Madame President, men and women of the Senate. I rise in support of the pending motion. While some students might be clueless, some are incredibly connected to their communities. In my other life, I have for many years directed the Center For Service Learning at Bates College and my job is to connect students to the community through their academic work. In all, students have given over 56,000 hours of community service every year and they are very involved with the community and everything from tutoring to helping the city draft public policy. Many of these students end up staying because they feel so connected. I think it's very important to recognize, not just in the Lewiston community, Bates College and Lewiston-Auburn College, but in all the college campuses, how much work is taking place in the communities by students and how connected they feel and how important that is for them to be able to cast a vote in that community that they feel so connected to. We should recognize that many of these students, through that connection, are staying here in Maine and are making an important contribution to our state. That is something we should encourage. I urge you to vote for the motion. Thank you.

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

Senator **SCHNEIDER**: Thank you Madame President. So much of the discussion seems to center around the minority report. I just want to remind my Senate colleagues that 'this bill prohibits a student from claiming residency for voting purposes in a municipality where the student resides, if the student lives in housing owned by an institution of learning while attending that institution unless the student lived in the municipality prior to attending that institution.' This is a horrible bill, and I really hope that we send a message that God bless those who show up to vote. That's what we want. So, please support the Ought Not To Pass.

On motion by Senator **MARRACHÉ** of Kennebec, 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.

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Tuesday, June 12, 2007, at 10:00 in the morning.