

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

In Senate Chamber
Tuesday
May 3, 2005

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

Prayer by Father Paul Sullivan, SJ, of the St. Josephs Catholic Church of Gardiner.

FATHER SULLIVAN: Thank you for inviting me and pardon my hoarse voice.

God, we call You by many names and titles and You call us, not only as individuals, You call us to be a people, a people seeking justice and upholding the dignity of all, and a people with special care for the weakest and most needy among us. We ask Your presence and blessing here among this group of leaders and servants of the people. May the actions and deliberations here today be done with wisdom, compassion, courage, and respect.

I'd like to share a slightly adapted prayer of thanksgiving and intercession from the Celtic tradition rooted in the island of Iona.

At the beginning of time and at the end, You are God and we bless You. At our births and in our dying, in the opening of the day and at its close, in our waking and in our sleeping, You are God and we bless You. You are the first and the last, the giver of every gift, the presence without whom there would be no present. The life without whom there is no life. Lead us to the heart of life's treasures, that we may be bearers of a gift. Lead us to the heart of the present, that we may be sharers of Your eternal presence. To these things we say Amen and Amen.

Pledge of Allegiance led by Senator Bruce S. Bryant of Oxford County.

Reading of the Journal of Thursday, April 28, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish a Maternal and Infant Death Review Panel"

H.P. 984 L.D. 1420

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Sunset Income Tax Checkoffs"
H.P. 1133 L.D. 1606

Bill "An Act To Provide Incentives for Maine Film Production"
H.P. 1134 L.D. 1607

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

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

**Pursuant to Statute
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 1137 L.D. 1610

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Orders

The following Joint Order:

H.P. 1135

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill to assist in the establishment of the Lincoln and Sagadahoc Multicounty Jail Authority with regard to the spending caps implemented in Public Law 2005, chapter 12.

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

READ.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

The following Joint Order:

H.P. 1136

ORDERED, the Senate concurring, that the Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife is established as follows.

1. Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife established. The Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Inland Fisheries and Wildlife, one of whom belongs to the party with the largest number of seats and one of whom belongs to the party with 2nd-largest number of seats; and

B. Two members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Inland Fisheries and Wildlife, one of whom belongs to the party with the largest number of seats and one of whom belongs to the party with 2nd-largest number of seats.

The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee and the Commissioner of Conservation or the commissioner's designee are invited to serve on the commission as voting members.

3. Participation of stakeholders. The commission shall invite the participation of and input from interested state agencies and stakeholders, including, but not limited to:

- A. Sportsmen in the State;
- B. Small woodlot owners;
- C. The Maine Farm Bureau;
- D. Large landowners;
- E. Environmental organizations;
- F. Registered Maine guides;
- G. The State Economist;
- H. Retailers of outdoor equipment; and

I. Outdoor recreational businesses.

4. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

5. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission, which must be no later than August 1, 2005.

6. Duties. The commission shall review sources for long-term funding of the Department of Inland Fisheries and Wildlife. The commission shall also review other issues, including, but not limited to, issues associated with nonconsumptive recreational use and landowner relations.

7. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

8. Compensation. Legislative members of the commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission.

9. Report. No later than December 7, 2006, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Inland Fisheries and Wildlife and the Legislative Council. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report.

10. Extension. If the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the commission terminates.

11. Budget. The commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by July 15, 2005 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study.

The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

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

READ.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 597

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 28, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has withdrawn the nomination from April 14, 2005, of Mr. Charles O'Leary for appointment to the Board of Trustees, University of Maine System. The withdrawal of this nomination is necessary due to scheduling conflicts for the confirmation process.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 598

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 28, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated Charles O'Leary of Orono for appointment as a member of the Board of Trustees, University of Maine System.

Pursuant to P&SL 1865,c. 532, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.C. 220

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

April 27, 2005

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of Lucien B. Gosselin of Lewiston, for reappointment to the The Maine Turnpike Authority.

PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

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

YEAS	Senators	3	Damon of Hancock, Diamond of Cumberland, Savage of Knox
	Representatives	9	Browne of Vassalboro, Collins of Wells, Fisher of Brewer, Marley of Portland, Mazurek of Rockland, McKenney of Cumberland, Paradis of Frenchville, Sampson of Auburn, Thomas of Ripley

NAYS 0

ABSENT 1 Rep. Hogan of Old Orchard Beach

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lucien B. Gosselin of Lewiston, for reappointment to The Maine Turnpike Authority be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#80)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING,

ABSENT: Senator: PERRY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Lucien B. Gosselin** of Lewiston, for reappointment to the Maine Turnpike Authority was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Lucien B. Gosselin of Lewiston. Would he please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 221

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT
AUGUSTA, MAINE 04333**

April 27, 2005

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

Dear Madame President:

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

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

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

Representatives 9 Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth

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

The Following Communication: S.C. 207

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1384 An Act To Assist Businesses To Retain Seasonal Employees and Reduce the Burden on the Bureau of Unemployment Compensation

L.D. 1410 An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication: S.C. 208

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

April 19, 2005

NAYS 0

ABSENT 1 Rep. Crosby of Topsham

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Terrence M. Harrigan of Bangor, for appointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#81)

YEAS: Senators: None

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

ABSENT: Senator: PERRY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Terrence M. Harrigan** of Bangor, for appointment to the Loring Development Authority of Maine was **CONFIRMED.**

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1143 An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication: S.C. 209

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 181 Resolve, Requiring the Department of Health and Human Services To Reimburse Henrietta D. Goodall Hospital for 2002 MaineCare Costs

L.D. 182 An Act To Provide Funding for Domestic Violence Shelters

L.D. 401 Resolve, Directing the Department of Health and Human Services To Develop a Proposal To Create the Office of Minority Health

L.D. 402 An Act To Require Able-bodied Welfare Recipients To Seek Employment and Work or Volunteer BY REQUEST

L.D. 514 An Act To Preserve the Fund for a Healthy Maine

L.D. 559 An Act To Require a Study and Comparative Report on Welfare

L.D. 609 An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments

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

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

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

The Following Communication: S.C. 210

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

April 25, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 614 An Act To Eliminate the Rebate Process for Refunding the State Gas Tax

L.D. 774 Resolve, To Require the Department of Transportation To Put a Bicycle Lane on Route 5 in Waterboro

L.D. 850 Resolve, Directing the Department of Transportation To Use Composite Manufactured Materials

L.D. 960 Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 212

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 837 Resolve, Regarding a New Certification for Health Care Attendants
- L.D. 993 Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code
- L.D. 1016 An Act Regarding Dental Hygienists and Public Health Supervision Status

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 211

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 1233 An Act To Reorganize the Northern New England Passenger Rail Authority
- L.D. 1333 Resolve, To Require the Department of Transportation To Improve Highway Signs in the Greater Augusta Area

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 213

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 642 An Act To Limit Telephone Utility Expenses
 Related to the Relocation of Call Centers

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

The Following Communication: S.C. 214

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

April 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 641 An Act To Create a Limited License for Solar
 Electric Generation System Installers

L.D. 647 An Act To Provide Incentives to Businesses
 That Locate to Existing Buildings

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 215

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

April 25, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 15 An Act To Inform Patrons of Food Service
 Establishments about the Use of Latex Gloves
 in Food Preparation

L.D. 817 An Act To Fix within State Government the
 Responsibility for Mental Health Services to
 Maine's Elderly

L.D. 1013 An Act To Improve Access to Ambulatory
 Diabetes Education and Follow-up

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

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

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

The Following Communication: S.C. 216

**MAINE STATE LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333
Dear President Edmonds and Speaker Richardson:

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

L.D. 1149 Resolve, To Review the Responsibilities of the Board of Environmental Protection

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

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

The Following Communication: S.C. 217

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 12 An Act To Implement the School Finance and Tax Reform Act of 2003

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 218

**MAINE STATE LEGISLATURE
COMMITTEE ON JUDICIARY
AUGUSTA, MAINE 04333**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1365 An Act To End Discrimination

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

The Following Communication: S.C. 219

**MAINE STATE LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
AUGUSTA, MAINE 04333**

April 21, 2005

Honorable Beth Edmonds, President of the Senate
 Honorable John Richardson, Speaker of the House
 122nd Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1351 Resolve, Directing the Department of Inland Fisheries and Wildlife To Prepare an Implementation Plan for Recommendations That Were Based on a Review of the Department

L.D. 1370 An Act To Change the Membership of the Inland Fisheries and Wildlife Advisory Council

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

Sincerely,

S/Sen. Bruce Bryant
 Senate Chair

S/Rep. Thomas R. Watson
 House Chair

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

- L.D. 165 Resolve, Directing the Department of Inland Fisheries and Wildlife To Support All-terrain Vehicle Clubs in Their Efforts To Mark Trails
- L.D. 336 An Act To Lower the Minimum Age for Operating an All-terrain Vehicle to 14 Years of Age
- L.D. 857 An Act To Increase Fines for Unregistered ATVs
- L.D. 858 An Act To Establish an All-terrain Vehicle Trail Pass System
- L.D. 865 Resolve, To Improve the Information and Education Services of the Department of Inland Fisheries and Wildlife
- L.D. 940 An Act To Amend the Law Pertaining to All-terrain Vehicle Violations BY REQUEST
- L.D. 976 An Act To Enhance the Safety of Whitewater Rafters
- L.D. 980 An Act To Distribute Fees from All-terrain Vehicle Registrations
- L.D. 1039 Resolve, Implementing the Recommendations of the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine
- L.D. 1041 An Act To Create a Short-term All-terrain Vehicle Registration System
- L.D. 1104 An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine
- L.D. 1142 Resolve, To Increase the Efficiency and Effectiveness of the Department of Inland Fisheries and Wildlife
- L.D. 1253 Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt and Follow a Rules Policy Regarding Inland Fishing
- L.D. 1344 An Act To Promote Nonconsumptive Use of Maine's Fish and Wildlife Resources

The Following Communication: S.C. 222

**MAINE STATE LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
 AUGUSTA, MAINE 04333**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
 Honorable John Richardson, Speaker of the House
 122nd Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 603 An Act To Ensure Accommodation of Students with Disabilities or Illnesses in the University of Maine System and the Maine Community College System

L.D. 708 An Act Regarding Transferability of Credits Earned at All Campuses within the University of Maine System

L.D. 807 An Act Regarding Veterans' Educational Assistance Benefits at the University of Maine System

L.D. 1241 An Act To Ensure Public Accountability in the Delivery of Higher Education Services

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 223

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

April 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1279 Resolve, To Study Improving the Affordability and Predictability of College Tuition for Maine Students

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 224

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

April 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1181 An Act To Change the Property Tax Year for the Unorganized Territory

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 225

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

April 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 968 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process

- L.D. 1243 An Act To Make Election Day a State Holiday
- L.D. 1354 An Act To Amend the Procedure for Auditing Municipalities

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

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

The Following Communication: S.C. 226

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

May 2, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 177 An Act To Increase the Homestead Property Tax Exemption
- L.D. 313 An Act To Expand Benefits Available under the Maine Residents Property Tax Program
- L.D. 319 An Act To Exempt Retirement and Pension Income from the State Income Tax
- L.D. 356 An Act To Increase the State Income Tax Exemption for Retired Workers in the Maine State Retirement System to the Same Level as That of Retirees under the Social Security System
- L.D. 734 An Act To Establish a Long-term Capital Gains Tax Rate

- L.D. 1534 An Act To Encourage the Production of Biodiesel from Forest Products, Agricultural Products and Waste Vegetable Oil

- L.D. 1556 An Act To Promote and Facilitate Programs That Teach Thinking Skills and Problem Solving

- L.D. 1564 An Act To Include Intangible Assets when Determining the Value of Property

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

SENATE PAPERS

Bill "An Act To Sustain and Strengthen Community Health Coalitions"

S.P. 596 L.D. 1614

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative PINGREE of North Haven and Senators: ANDREWS of York, MAYO of Sagadahoc, Representatives: DUCHESNE of Hudson, MILLER of Somerville, ROSEN of Bucksport, SHERMAN of Hodgdon.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Resolve, To Establish a Blue Ribbon Commission To Study Maine's Homeland Security Needs

S.P. 610 L.D. 1645

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Speaker RICHARDSON of Brunswick and Senators: ANDREWS of York, DIAMOND of Cumberland, GAGNON of Kennebec, MAYO of Sagadahoc, ROSEN of Hancock, SCHNEIDER of Penobscot, Representative: TUTTLE of Sanford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Allow Abstinence To Be Offered as an Alternative Education Program for Grades 7 to 12"

S.P. 605 L.D. 1639

Sponsored by Senator SNOWE-MELLO of Androscoggin. Cosponsored by Representative DUPREY of Hampden and Representatives: CEBRA of Naples, CRESSEY of Cornish, HALL of Holden, LANSLEY of Sabattus.

Bill "An Act To Permit Charter Schools in Maine"

S.P. 606 L.D. 1640

Sponsored by Senator WESTON of Waldo. Cosponsored by Representative KAELIN of Winterport and Senators: ROSEN of Hancock, TURNER of Cumberland, Representatives: DUGAY of Cherryfield, McKENNEY of Cumberland, PIOTTI of Unity.

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Further the Transition to the New Department of Health and Human Services"

S.P. 608 L.D. 1642

Sponsored by Senator MAYO of Sagadahoc. (GOVERNOR'S BILL)
Cosponsored by Representative PINGREE of North Haven and Senators: HOBBS of York, ROSEN of Hancock, WESTON of Waldo, Representatives: LEWIN of Eliot, TRAHAN of Waldoboro.

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

Sent down for concurrence.

Bill "An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Abandoned Railroad Corridors"

S.P. 593 L.D. 1611

Sponsored by Senator HOBBS of York. Cosponsored by Representative BRYANT of Windham and Senators: COWGER of Kennebec, DAMON of Hancock, GAGNON of Kennebec, Representatives: CANAVAN of Waterville, MARLEY of Portland.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales"

S.P. 604 L.D. 1627

Sponsored by Senator MITCHELL of Kennebec. Cosponsored by Representative CANAVAN of Waterville and Senators: GAGNON of Kennebec, PLOWMAN of Penobscot, Representatives: LEWIN of Eliot, MOORE of Standish, NUTTING of Oakland, PATRICK of Rumford, THOMPSON of China. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Create a Small Distillery License"

S.P. 607 L.D. 1641

Sponsored by President EDMONDS of Cumberland. Cosponsored by Speaker RICHARDSON of Brunswick and Senators: GAGNON of Kennebec, PERRY of Penobscot, Representative: DUNN of Bangor.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Require State-owned and State-leased Property To Be Cleaned with Products That Are Not Harmful to the Environment or People"

S.P. 601 L.D. 1624

Sponsored by Senator PERRY of Penobscot. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Authorize the Deorganization of the Town of Cooper"

S.P. 603 L.D. 1626

Sponsored by Senator RAYE of Washington. Cosponsored by Representative McFADDEN of Dennysville. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Fully Fund the Homestead Exemption"
S.P. 602 L.D. 1625

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative BOWLES of Sanford and
Senators: CLUKEY of Aroostook, DAMON of Hancock, DAVIS of
Piscataquis, HOBBS of York, MARTIN of Aroostook,
MITCHELL of Kennebec, SCHNEIDER of Penobscot,
Representative: CLOUGH of Scarborough.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Require the Inspection of All Commercial Trailers
at Time of Sale"

S.P. 600 L.D. 1623

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative MARLEY of Portland and
Senators: DAMON of Hancock, GAGNON of Kennebec,
Representative: FISHER of Brewer.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the
Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Mandate E-9-1-1 TDD Testing and Training"
S.P. 594 L.D. 1612

Sponsored by President EDMONDS of Cumberland.

Bill "An Act To Promote the Use of Public Safety
Telecommunications Equipment by the Deaf and Hard-of-hearing
Community"

S.P. 595 L.D. 1613

Sponsored by President EDMONDS of Cumberland.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Bill "An Act To Allow the Maine Land Use
Regulation Commission To Assess a Processing Fee for Certain
Projects" (EMERGENCY)

H.P. 1126 L.D. 1590

Reported that the same **Ought to Pass**, pursuant to Joint Order,
H.P. 925.

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.**

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** on Bill "An Act To Provide Funding for Dues for the
International Northeast Biotechnology Corridor"

H.P. 187 L.D. 248

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.**

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Bill "An Act To Amend Provisions of the Maine
Land Use Regulation Commission Law"

H.P. 93 L.D. 117

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-156)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-156)**.

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

READ ONCE.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment"

H.P. 170 L.D. 231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-157)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**.

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

READ ONCE.

Committee Amendment "A" (H-157) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Law Regarding Fishing Derbies"

H.P. 420 L.D. 565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-137)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137)**.

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

READ ONCE.

Committee Amendment "A" (H-137) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Steering in Automobile Insurance"

H.P. 235 L.D. 311

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-136)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-136)**.

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

READ ONCE.

Committee Amendment "A" (H-136) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Allow for Equitable Recovery of Wages for Employees Who Are Undercompensated"

H.P. 479 L.D. 659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**.

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

READ ONCE.

Committee Amendment "A" (H-158) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Facilitate Testimony in Workers' Compensation Proceedings"

H.P. 574 L.D. 809

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-146)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)**.

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

READ ONCE.

Committee Amendment "A" (H-146) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Set Standards for Electronic Methods Used for Wage Payment"
H.P. 673 L.D. 963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-160)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-160)**.

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

READ ONCE.

Committee Amendment "A" (H-160) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Allow State Employees To Participate in a Deferred Retirement Option Program"

H.P. 688 L.D. 978

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-145)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145)**.

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

READ ONCE.

Committee Amendment "A" (H-145) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan"

H.P. 733 L.D. 1080

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-149)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**.

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

READ ONCE.

Committee Amendment "A" (H-149) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Requiring the Secretary of State To Develop Voting Systems Standards (EMERGENCY)

H.P. 76 L.D. 100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-129)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129) AS AMENDED BY HOUSE AMENDMENT "A" (H-170)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-129) **READ**.

House Amendment "A" (H-170) to Committee Amendment "A" (H-129) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-129) as Amended by House Amendment "A" (H-170) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Recognition of Qualified Political Parties"
H.P. 252 L.D. 329

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-161)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)**.

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

READ ONCE.

Committee Amendment "A" (H-161) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Laws Governing Aquaculture"

H.P. 595 L.D. 836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

READ ONCE.

Committee Amendment "A" (H-159) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability"

H.P. 184 L.D. 245

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-135)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)**.

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

READ ONCE.

Committee Amendment "A" (H-135) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit State Departments, Agencies and Bureaus from Conducting Business with Any Entity That Outsources Services Outside of the United States of America"

H.P. 346 L.D. 471

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-133)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**.

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

READ ONCE.

Committee Amendment "A" (H-133) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Strengthen Ethical Standards Regarding Former Legislators"

H.P. 422 L.D. 589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-134)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134)**.

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

READ ONCE.

Committee Amendment "A" (H-134) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Knox County Budget Process"

H.P. 522 L.D. 727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

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

READ ONCE.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Promote Ornamental Horticulture by Amending the Definition of 'Commercial Agricultural Production'"

H.P. 492 L.D. 672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-174)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**.

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

READ ONCE.

Committee Amendment "A" (H-174) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries"

H.P. 511 L.D. 716

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-176)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**.

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

READ ONCE.

Committee Amendment "A" (H-176) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Improve Security at State Courthouses"

H.P. 696 L.D. 1012

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-173)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**.

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

READ ONCE.

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax"

H.P. 743 L.D. 1090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-171)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)**.

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

READ ONCE.

Committee Amendment "A" (H-171) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06" (EMERGENCY)

H.P. 947 L.D. 1364

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-172)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172)**.

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

READ ONCE.

Committee Amendment "A" (H-172) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements"

H.P. 214 L.D. 289

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-139).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139).**

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

READ ONCE.

Committee Amendment "A" (H-139) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Mexico Water District Charter"

H.P. 268 L.D. 355

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-140).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140).**

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

READ ONCE.

Committee Amendment "A" (H-140) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Mexico Sewer District Charter"

H.P. 337 L.D. 459

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-138).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138).**

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

READ ONCE.

Committee Amendment "A" (H-138) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Efficiently Use Funds of the Public Utilities Commission" (EMERGENCY)

H.P. 611 L.D. 860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-141).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141).**

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

READ ONCE.

Committee Amendment "A" (H-141) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow Park Passes To Be Used at Scarborough Beach State Park"

H.P. 568 L.D. 803

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-167).**

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

PIOTTI of Unity
PINEAU of Jay
SHERMAN of Hodgdon
FLOOD of Winthrop
LUNDEEN of Mars Hill
MAREAN of Hollis
JENNINGS of Leeds
JODREY of Bethel
CARR of Lincoln

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

Signed:

Representative:

TWOMEY of Biddeford

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-167)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-167) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Use of Crossbows for Hunting"

H.P. 63 L.D. 67

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-152)**.

Signed:

Senators:

BRYANT of Oxford
WOODCOCK of Franklin

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
WHEELER of Kittery
CEBRA of Naples
MOODY of Manchester
TRAHAN of Waldoboro
JACKSON of Fort Kent
RICHARDSON of Carmel
BRYANT of Windham

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

Signed:

Representative:

RICHARDSON of Greenville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-152)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-152) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Require That All Public School Employees Be Paid a Livable Wage Rate"

H.P. 368 L.D. 493

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-187)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Household Pets and Other Small Animals from Poisoning"

H.P. 432 L.D. 599

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-162)**.

Signed:

Senators:

COWGER of Kennebec
SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor
JOY of Crystal
THOMPSON of China
ANNIS of Dover-Foxcroft
EBERLE of South Portland
DUCHESNE of Hudson
ROSEN of Bucksport
TWOMEY of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-163)**.

Signed:

Representatives:

DAIGLE of Arundel
SAVIELLO of Wilton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**.

Reports **READ**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-162) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Eliminate the State Planning Office"

H.P. 211 L.D. 286

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-166)**.

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town

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

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects" H.P. 835 L.D. 1217

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

Signed:

Senators:

- DAMON of Hancock
- DIAMOND of Cumberland
- SAVAGE of Knox

Representatives:

- MARLEY of Portland
- PARADIS of Frenchville
- HOGAN of Old Orchard Beach
- MAZUREK of Rockland
- COLLINS of Wells
- BROWNE of Vassalboro
- THOMAS of Ripley
- McKENNEY of Cumberland

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

Signed:

Representatives:

- FISHER of Brewer
- SAMPSON of Auburn

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

Reports **READ**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) S.P. 508 L.D. 1482

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-115)**.

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

READ ONCE.

Committee Amendment "A" (S-115) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters" S.P. 398 L.D. 1170

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-113)**.

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

READ ONCE.

Committee Amendment "A" (S-113) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass Pursuant to Joint Order

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Unused Pharmaceutical Disposal Program" (EMERGENCY) S.P. 609 L.D. 1644

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 576.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Reestablish a Maximum Water Level for Phillips Lake" S.P. 257 L.D. 790

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117)**.

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

READ ONCE.

Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Set a Deadline for Responses to State Employees Seeking Job Reclassifications or Range Changes"

S.P. 458 L.D. 1331

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-118)**.

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

READ ONCE.

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties"

S.P. 118 L.D. 371

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-110)**.

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

READ ONCE.

Committee Amendment "A" (S-110) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Senator COWGER for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Sustain Maine Schools and Libraries"

S.P. 439 L.D. 1259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-116)**.

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

READ ONCE.

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board"

S.P. 87 L.D. 267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-114)**.

Signed:

Senators:

HOBBINS of York
DOW of Lincoln

Representatives:

AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
BERUBE of Lisbon
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
CROSBY of Topsham

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

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SMITH of Monmouth
FARRINGTON of Gorham
O'BRIEN of Lewiston

Reports **READ**.

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Quality of Kindergarten Education in Maine"

S.P. 305 L.D. 897

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

Signed:

Senators:

- MITCHELL of Kennebec
- SCHNEIDER of Penobscot
- TURNER of Cumberland

Representatives:

- DAVIS of Falmouth
- FINCH of Fairfield
- EDGECOMB of Caribou
- NORTON of Bangor
- GOLDMAN of Cape Elizabeth
- STEDMAN of Hartland
- LANSLEY of Sabattus
- CAIN of Orono
- MERRILL of Appleton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-106).**

Signed:

Representative:

- MAKAS of Lewiston

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurers and Health Maintenance Organizations To Issue Uniform Prescription Drug Benefit Cards"

S.P. 296 L.D. 888

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

Signed:

Senators:

- SULLIVAN of York
- MILLS of Somerset

Representatives:

- PERRY of Calais
- McKANE of Newcastle
- BRAUTIGAM of Falmouth
- LINDELL of Frankfort
- PILON of Saco
- VAUGHAN of Durham
- GLYNN of South Portland
- RICHARDSON of Warren
- MARRACHÉ of Waterville
- HARLOW of Portland

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

Signed:

Senator:

- MAYO of Sagadahoc

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Promote Responsible Contracting Practices on State Projects"
S.P. 172 L.D. 546

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-112).**

Signed:

Senators:

- STRIMLING of Cumberland
- BARTLETT of Cumberland

Representatives:

- SMITH of Van Buren
- DRISCOLL of Westbrook
- JACKSON of Fort Kent
- HUTTON of Bowdoinham
- TUTTLE of Sanford
- CLARK of Millinocket

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

Signed:

Senator:

- SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel"

S.P. 235 L.D. 698

Reports **READ**.

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

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

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.

Representatives:

MARLEY of Portland
PARADIS of Frenchville
SAMPSON of Auburn
HOGAN of Old Orchard Beach
MAZUREK of Rockland
BROWNE of Vassalboro

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Legislative Approval for the State To Accept a Gift of 100 Acres or More of Land"
S.P. 175 L.D. 567

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-111)**.

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

Signed:

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representative:

THOMAS of Ripley

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Signed:

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

Senator:

ANDREWS of York

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

Reports **READ**.

RECESSED until the sound of the bell.

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

After Recess

Sent down for concurrence.

Senate called to order by the President.

Divided Report

SECOND READERS

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

House As Amended

- Bill "An Act To Amend the Maine Juvenile Code"
H.P. 181 L.D. 242
(H "A" H-125 to C "A" H-114)
- Bill "An Act To Create a Retired Firefighter License Plate"
H.P. 273 L.D. 360
(C "A" H-131)
- Bill "An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from Licensure"
H.P. 309 L.D. 424
(C "A" H-128)

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

Senate

- Bill "An Act To Provide Funds for the Preservation of Digital Records"
S.P. 360 L.D. 1043
- Bill "An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings"
S.P. 517 L.D. 1499

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

- Bill "An Act To Promote Energy Conservation and a Cleaner Environment"
S.P. 95 L.D. 275
(C "A" S-101)
- Resolve, To Establish a Long-term Care Education Pilot Program for Registered Nurses
S.P. 129 L.D. 405
(C "A" S-100)
- Bill "An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance"
S.P. 167 L.D. 541
(C "A" S-105)
- Bill "An Act To Amend Provisions of the Submerged Lands Laws"
S.P. 183 L.D. 574
(C "A" S-96)

Bill "An Act To Amend the Laws Governing the Community Preservation Advisory Committee"
S.P. 184 L.D. 575
(C "A" S-102)

Bill "An Act To Amend the Charter of the Portland Public Library"
S.P. 187 L.D. 578
(C "A" S-104)

Bill "An Act To Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004"
S.P. 335 L.D. 995
(C "A" S-97)

Bill "An Act To Require a Surcharge on Probate Documents"
S.P. 472 L.D. 1374
(C "A" S-103)

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:

Acts

- An Act To Promote Access to Transportation for Seniors
S.P. 16 L.D. 36
- An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs
H.P. 49 L.D. 53
(C "A" H-119)
- An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness
H.P. 261 L.D. 348
(C "A" H-120)
- An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members
H.P. 362 L.D. 487
(C "A" H-122)

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

An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners

H.P. 22 L.D. 19
(C "A" H-116)

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement"

H.P. 1147 L.D. 1629

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

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

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

An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime

H.P. 577 L.D. 812
(C "A" H-121)

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Restore the Taylor Camps

H.P. 1148 L.D. 1630

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require the Secretary of State To Collect Information on Operating-under-the-influence Convictions from Other Jurisdictions before Issuing a Driver's License in Maine"

H.P. 1150 L.D. 1632

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Restore Funding for the Reading Recovery Program"

H.P. 1138 L.D. 1615

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Advertising by Drug Manufacturers"

H.P. 1141 L.D. 1618

Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays

H.P. 1149 L.D. 1631

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

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

PAPERS FROM THE HOUSE

PAPERS FROM THE HOUSE

House Paper

House Papers

Bill "An Act Concerning the Regulation of Certain Information to Protect Privacy"

Bill "An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities" (EMERGENCY)

H.P. 1156 L.D. 1638

H.P. 1151 L.D. 1633

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

Bill "An Act To Clarify and Harmonize State Policy on Groundwater Management"

H.P. 1158 L.D. 1643

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

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

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

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

PAPERS FROM THE HOUSE

PAPERS FROM THE HOUSE

House Paper

House Paper

Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

Bill "An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services"

H.P. 1146 L.D. 1628

H.P. 1155 L.D. 1637

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

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

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

PAPERS FROM THE HOUSE

PAPERS FROM THE HOUSE

House Paper

House Papers

Bill "An Act To Authorize the Assessment and Collection of Harbor Fees"

Bill "An Act To Delay the Implementation of the Increase in the Homestead Exemption"

H.P. 1153 L.D. 1635

H.P. 1139 L.D. 1616

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

Bill "An Act To Reduce Tobacco Use and Improve Health"
(EMERGENCY)

H.P. 1140 L.D. 1617

(See action later today.)

Bill "An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property"

H.P. 1152 L.D. 1634

Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories (EMERGENCY)

H.P. 1154 L.D. 1636

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

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97 - Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1143 L.D. 1620

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Maine Health Data Organization**

The **Maine Health Data Organization**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1144 L.D. 1621

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1145 L.D. 1622

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

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

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

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Department of Marine Resources**

The **Department of Marine Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)
H.P. 1142 L.D. 1619

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

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

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

ORDERS OF THE DAY

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

Bill "An Act To Restore Funding for the Reading Recovery Program"
H.P. 1138 L.D. 1615

Tabled - May 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, May 3, 2005, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

SENATE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board"
S.P. 87 L.D. 267

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-114)** (9 members)

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

Tabled - May 3, 2005, by Senator **BROMLEY** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, May 3, 2005, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (4/26/05) Assigned matter:

Bill "An Act To Continue the Ban on Dragging in the Taunton River Area" (EMERGENCY)
S.P. 185 L.D. 576

Tabled - April 26, 2005, by Senator **DAMON** of Hancock

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-94)**

(In Senate, April 26, 2005, the **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-94) **READ**.)

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-109) to Committee Amendment "A" (S-94) **READ**.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. My amendment simply changes the southern boundary of Taunton Bay. Presently, the area of Taunton Bay that has been in question is defined by the bridge that crosses Taunton Bay. The more natural definition of Taunton Bay is where the reversing falls come in and out. That area is about 100 yards south of the bridge. My amendment proposes to define Taunton Bay as all of that area north and west of the reversing falls. It's a rather minor amendment but I wish to have it included in the bill. Thank you.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-109) to Committee Amendment "A" (S-94) **ADOPTED**.

Committee Amendment "A" (S-94) as Amended by Senate Amendment "A" (S-109) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/28/05) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds
S.P. 282 L.D. 843

Majority - **Ought Not to Pass** (9 members)]

Minority - **Ought to Pass** (3 members)

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

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

(In Senate, April 28, 2005, Reports **READ**.)

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

On motion by Senator **WESTON** of Waldo, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** 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 PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and members of the Senate. This is a bill that has only two sentences in it. It's a proposed amendment to the Constitution. It derives from my experience in going to many town meetings over the decades that I've lived in Maine and witnessing how responsible people are at town meetings for setting up reserve funds to buy equipment, make improvements to the town office, or make road improvements. These reserve funds that are established in the town meetings are carried over from year to year. People seem to honor and respect the creation of these funds and withdraw from those reserve funds in the subsequent years. They take money out only in a fashion that's consistent with the way in which the fund was created. I remember in 1997 and 1998 we had surplus in state government. We may have surplus again, someday. When we do, it seems to be appropriate that the legislature that has the benefit of that surplus, if they have the right to spend that money, as they most surely do, then they ought to have the right to set it aside to build a reserve fund towards a future purpose. I have in mind such things as the Fund

for a Healthy Maine and the laptop fund, for example, that the former Governor King was so fond of. How about funds in these professional service accounts? The plumbers, the doctors, and osteopaths all have funds set up that we have a habit of dipping into now and then. It seems to me that if those are created in a reserve way than we should be honoring that, as this Constitutional amendment would provide, absent a 2/3 vote of both chambers of a future legislature. A 2/3 vote would allow the next legislature, or some subsequent legislature, to withdraw from those reserve funds in a fashion that might be inconsistent with the purposes established for the reserve. It's a fairly simple measure. It has no fiscal note that I know of. It would provide an interesting tool, I think, for the legislature to have at its disposal. I think we would put it to use for such things as the Fund for a Healthy Maine and other such reserves that most of us think very highly of. Another fund we might want to fund someday might be the Land for Maine's Future. Perhaps we should be able to take surplus funds and dedicate it to the Land for Maine's Future and know that this money, as set aside, would be protected against the intrusions of a future legislature except by a 2/3 vote. 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 urge you to support the majority Ought Not to Pass report. I would argue that this restriction of funds proposed in L.D. 843 ties the hands of the legislature too tightly. While I appreciate this tightening of spending, which is precisely why the good Senator from Somerset, Senator Mills, is proposing this legislation, I feel it goes too far in taking away the flexibility of the legislature to make certain fiscal decisions. I would further argue that maintaining the existing practice of majority rule is an important one. Maine people can and will make their evaluation of policy choices made by legislators. If the majority of the legislature votes either for or against a particular policy, Maine voters will decide whether their representatives are acting in their interests and will express their opinions in the voting booth. I would urge you, please, to support the majority Ought Not to Pass report.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#82)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAMON, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

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

Sent down for concurrence.

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

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

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

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel" S.P. 235 L.D. 698

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **TAXATION**, in concurrence, the following:

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

Bill "An Act To Reduce Tobacco Use and Improve Health" (EMERGENCY)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-111)** (1 member)

H.P. 1140 L.D. 1617

Tabled - May 3, 2005, by Senator **DAMON** of Hancock

(In House, May 3, 2005, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **REFER** to the Committee on **TAXATION**, in concurrence.

(In Senate, May 3, 2005, Reports **READ**.)

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

Sent down for concurrence.

Off Record Remarks

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, May 5, 2005, at 10:00 in the morning.

Senator **SAVAGE** of Knox was granted unanimous consent to address the Senate off the Record.

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

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