

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

In Senate Chamber
Wednesday
May 25, 2005

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

Prayer by Reverend Stephen Tracey of the Lakeview Orthodox Presbyterian Church of Rockport.

REVEREND TRACEY: Let's turn to God in prayer. Oh Lord, our God, we come to You because You are almighty and powerful. We thank You that You are not silent, but You have spoken and revealed Your mind and Your will. We pray that You will help us to take heed to that. We come to You because You have told us that there is no authority except from You and You have appointed the authority of government. We thank You that rulers must not be a terror to good works but to evil and we cast ourselves upon You, that we may be helped to use that authority as pleases You. Help us to define and know what is good and to know and define what is evil according to Your truth. Grant us humility and grace and wisdom.

We thank You for every member of this house, elected by the people and they have been given power and great responsibility lies upon them. You do know, oh Lord, that this brings them to places that are lonely and vulnerable and open to criticism, that there are times when there is disagreement and we pray that You will grant wisdom and patience and courage and passion for truth and righteousness.

We praise Your name, oh God, for the many wonderful liberties granted to us; to live, to work, to play, to think, to speak, to write, to worship, and more. Help us, then, as free people, not to use our liberty, as Your word says, as a cloak for vice but as servants of God. You are the Lord and You know the hearts of all people. You see our thoughts from a far off. There is not a word on our tongues but You do know it, oh Lord. This is overwhelming. We pray that You will help us, then, not only to be overwhelmed by awe but by Your love. We are prone to despise it. We thank You that greater love has no man than this then to lay down his life for his friends and this Your son has done. We come to You this day, asking all these things in the name of Jesus Christ. Amen.

Reading of the Journal of Tuesday, May 24, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Tax on Private Nonmedical Institutions" (EMERGENCY)

S.P. 52 L.D. 146

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-173)** (5 members)

In Senate, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173)**, in **NON-CONCURRENCE**.

Senator **MAYO** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Hospital Tax"

S.P. 224 L.D. 687

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-164)** (5 members)

In Senate, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-164)**, in **NON-CONCURRENCE**.

Senator **MAYO** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal Tax and Match"

S.P. 236 L.D. 699

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

Simpson of Auburn, Sherman of Hodgdon

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-193)** (5 members)

NAYS 0

ABSENT 1 Sen. Bromley of Cumberland

In Senate, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

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 Warren M. Silver of Bangor, for appointment as a Supreme Judicial Court Justice be confirmed.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-193)**, in **NON-CONCURRENCE**.

Signed,

Senator **MAYO** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

S/Barry J. Hobbins
Senate Chair

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

S/Deborah Pelletier-Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

COMMUNICATIONS

The Following Communication: S.C. 352

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

May 24, 2005

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

ROLL CALL (#169)

YEAS: Senators: None

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Warren M. Silver of Bangor, for appointment as a Supreme Judicial Court Justice.

ABSENT: Senators: BROMLEY, COWGER, MARTIN, MILLS, PERRY

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

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
	Representatives	10	Bryant of Windham, Bryant-Deschenes of Turner, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier-

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators 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 **Warren M. Silver** of Bangor, for appointment as a Supreme Judicial Court Justice 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 Warren M. Silver of Bangor. Would he please rise and accept the greetings of the Senate.

S/Deborah Pelletier-Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Following Communication: S.C. 353

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

May 24, 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 Judiciary has had under consideration the nomination of Honorable Joyce A. Wheeler of Kittery, for appointment as a Superior Court Justice.

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, Hastings of Cumberland, Hobbins of York
	Representatives	10	Bryant of Windham, Bryant- Deschenes of Turner, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier- Simpson of Auburn, Sherman of Hodgdon

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Joyce A. Wheeler of Kittery, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

ROLL CALL (#170)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, MARTIN, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators 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 the Honorable **Joyce A. Wheeler** of Kittery, for appointment as a Superior Court Justice was **CONFIRMED**.

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

SENATE PAPERS

Bill "An Act To Clarify Entities Eligible for Funding by the Maine Health and Higher Educational Facilities Authority" (EMERGENCY)

S.P. 628 L.D. 1683

Sponsored by Senator MAYO of Sagadahoc. Cosponsored by Representative SMITH of Monmouth and Senator: BROMLEY of Cumberland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Certain Milk and Milk Products Laws"

H.P. 990 L.D. 1426

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470).**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Establish 3-1-1 as a Statewide Business Assistance Services Line

H.P. 584 L.D. 825

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Sentencing for Serious Offenders"
H.P. 680 L.D. 970

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Change the Name of the Governor Baxter School for the Deaf"

H.P. 691 L.D. 981

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481).**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Develop a Statewide Entrepreneurship Curriculum from Kindergarten through College

H.P. 964 L.D. 1387

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482).**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish a Responsive, Community-based, Cost-effective and Comprehensive Adult Mental Health System
H.P. 1060 L.D. 1515

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** 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 "B" (H-476)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-476)**.

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

READ ONCE.

Committee Amendment "B" (H-476) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Require Notification from the Department of Environmental Protection and the Maine Land Use Regulation Commission upon Permit Application, Issuance and Denial"
H.P. 804 L.D. 1161

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-477)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**.

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

READ ONCE.

Committee Amendment "A" (H-477) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates"
H.P. 20 L.D. 17

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

Signed:

Senators:
DIAMOND of Cumberland
NUTTING of Androscoggin
CLUKEY of Aroostook

Representatives:
PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
SYKES of Harrison
DAVIS of Augusta
PARADIS of Frenchville

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

Signed:

Representatives:
BLANCHETTE of Bangor
CHURCHILL of Washburn
GERZOFKY of Brunswick
GROSE of Woolwich

Comes from the House, Reports **READ** and the Bill **SUBSTITUTED** for the Report and **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **DIAMOND** of Cumberland moved the Bill be **SUBSTITUTED** for the Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **SUBSTITUTE** the Bill for the Report, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit a Registered Sex Offender from Residing within 1,000 Feet of the Residence of Any Child, a School, Day Care Center or Playground"
H.P. 207 L.D. 282

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

Signed:

Senator:
DIAMOND of Cumberland

Representatives:
BLANCHETTE of Bangor
PLUMMER of Windham
HANLEY of Gardiner
CHURCHILL of Washburn
GERZOFKY of Brunswick
SYKES of Harrison
GROSE of Woolwich
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-471)**.

Signed:

Senators:
CLUKEY of Aroostook
NUTTING of Androscoggin

Representatives:
GREELEY of Levant
DAVIS of Augusta

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Sale of Firearms at Gun Shows"

H.P. 256 L.D. 333

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

Signed:

Senators:
DIAMOND of Cumberland
CLUKEY of Aroostook

Representatives:
PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
CHURCHILL of Washburn
SYKES of Harrison
DAVIS of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-383)**.

Signed:

Senator:
NUTTING of Androscoggin

Representatives:
BLANCHETTE of Bangor
GERZOFKY of Brunswick
GROSE of Woolwich
PARADIS of Frenchville

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Encourage Personal and Family Financial Management Education (EMERGENCY)
H.P. 916 L.D. 1318

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-463)**.

Signed:

Senators:
MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:
NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
EDGEComb of Caribou
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 Not To Pass**.

Signed:

Representative:
MAKAS of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-463)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-463) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Give Parents Control over the Sex Education of Their Children"

H.P. 1045 L.D. 1488

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

Signed:

Senators:
MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:
NORTON of Bangor
FINCH of Fairfield
GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
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" (H-415)**.

Signed:

Representatives:
DAVIS of Falmouth
EDGEComb of Caribou
STEDMAN of Hartland
LANSLEY of Sabattus

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Statewide Residency Requirement for General Assistance"

H.P. 119 L.D. 168

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

Signed:

Senators:
MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-379)**.

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

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

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to Disclosures in Political Advertising"

H.P. 771 L.D. 1118

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

Signed:

Senators:

GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:

FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
PATRICK of Rumford

TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

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

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

VALENTINO of Saco

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Efficiency of the Legislature"

H.P. 567 L.D. 802

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-447)**.

Signed:

Senators:

SCHNEIDER of Penobscot
ANDREWS of York

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

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

Signed:

Senator:

ROTUNDO of Androscoggin

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-447)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Reduce School Truancy" H.P. 370 L.D. 495

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

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

FISHER of Brewer
PARADIS of Frenchville
HOGAN of Old Orchard Beach
McKENNEY of Cumberland
COLLINS of Wells
THOMAS of Ripley

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-369)**.

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

MARLEY of Portland
SAMPSON of Auburn
MAZUREK of Rockland
BROWNE of Vassalboro

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

Reports **READ**.

Senator **DAMON** of Hancock 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 Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Program

S.P. 482 L.D. 1393

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce"

S.P. 300 L.D. 892

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241)**.

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

READ ONCE.

Committee Amendment "A" (S-241) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Regulation of Firearms on Public Property"

S.P. 106 L.D. 344

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

Signed:

Senators:

DIAMOND of Cumberland
CLUKEY of Aroostook

Representatives:

BLANCHETTE of Bangor
PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
CHURCHILL of Washburn
SYKES of Harrison
GROSE of Woolwich
DAVIS of Augusta
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-236)**.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

GERZOFISKY of Brunswick

Reports **READ**.

Senator **DIAMOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

Ten members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

S.P. 507 L.D. 1481

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

Signed:

Senators:

SCHNEIDER of Penobscot
ANDREWS of York

Representatives:

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

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-243)**.

Signed:

Representative:

HARLOW of Portland

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

Signed:

Senator:

ROTUNDO of Androscoggin

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242)**.

SECOND READERS

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

House As Amended

Bill "An Act To Simplify the Real Estate Foreclosure Process"
H.P. 344 L.D. 469
(C "A" H-466)

Resolve, To Establish a System for Verification of Proficiency for
Prelingually Deaf Candidates for Teacher Certification
S.P. 430 L.D. 1251
(C "A" S-235)

Bill "An Act To Facilitate Reimbursement of Public Utilities
Relocation Costs" (EMERGENCY)
H.P. 400 L.D. 524
(C "A" H-458)

Bill "An Act To Allow Physicians Licensed in Other States but
Trained outside the United States To Practice Medicine in Maine"
S.P. 441 L.D. 1261
(C "A" S-239)

Bill "An Act To Amend the Vehicle Gross and Axle Weight Laws"
H.P. 477 L.D. 657
(C "A" H-459)

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

Bill "An Act To Amend the Laws Governing the Effect of
Foreclosure of a Tax Lien on Time-share Estates"
H.P. 830 L.D. 1212
(C "A" H-467)

Sent down for concurrence.

Bill "An Act To Amend the Laws Regarding the School Revolving
Renovation Fund" (EMERGENCY)
H.P. 1019 L.D. 1454
(C "A" H-462)

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

Bill "An Act Regarding Published Descriptions of Recreational
Trails That Cross Certain Parcels of Private Property"
H.P. 1066 L.D. 1519
(C "A" H-460)

ENACTORS

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

Resolve, Regarding Legislative Review of Chapter 180,
Subchapter XIII: Continued Provision of Free Appropriate Public
Education for Five-Year-Olds Born Between September 1st and
October 15th, a Major Substantive Rule of the Department of
Education (EMERGENCY)
H.P. 1074 L.D. 1529
(C "A" H-461)

Emergency Measure

An Act To Promote Economic Development in Commercial and
Downtown Areas of the State
S.P. 463 L.D. 1336
(C "A" S-204)

Bill "An Act To Repeal Certain Boards and Commissions"
H.P. 1082 L.D. 1537
(C "A" H-378; H "A" H-469)

This being an Emergency Measure and having received the
affirmative vote of 33 Members of the Senate, with no Senators
having voted in the negative, and 33 being more than two-thirds
of the entire elected Membership of the Senate, was **PASSED TO
BE ENACTED** and having been signed by the President, was
presented by the Secretary to the Governor for his approval.

Bill "An Act Concerning Full Faith and Credit for Legal Documents
Executed in Other Jurisdictions"
H.P. 1104 L.D. 1566
(C "A" H-468)

Emergency Measure

Bill "An Act To Allow Certain Modifications of Motor Vehicles"
H.P. 1109 L.D. 1571
(C "A" H-457)

An Act Regarding the Unused Pharmaceutical Disposal Program
S.P. 609 L.D. 1644
(H "A" H-426)

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

This being an Emergency Measure and having received the
affirmative vote of 33 Members of the Senate, with no Senators
having voted in the negative, and 33 being more than two-thirds
of the entire elected Membership of the Senate, was **PASSED TO
BE ENACTED** and having been signed by the President, was
presented by the Secretary to the Governor for his approval.

Senate As Amended

Bill "An Act To Strengthen the Penalties for Sales to Minors or
Purchases by Minors of Alcoholic Beverages"
S.P. 311 L.D. 903
(C "A" S-237)

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a Major Substantive Rule of the Department of Marine Resources

H.P. 1142 L.D. 1619
(C "A" H-408)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act Regarding the Collection, Use, Verification and Storage of Social Security Numbers

H.P. 540 L.D. 763
(C "A" H-368)

An Act To Increase County Filing Fees

H.P. 745 L.D. 1092

An Act Regarding Licensing Boards

S.P. 505 L.D. 1480
(C "A" S-208)

An Act To Amend the Laws Governing Reimbursement of Nursing Facilities and Nursing Home Admission Contracts

S.P. 509 L.D. 1483
(C "A" S-211)

An Act Pertaining to Reporting of Prescription Drug Advertising Costs

S.P. 534 L.D. 1539
(C "A" S-210)

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 Recognize the Federal Salary Level for Overtime When Higher than the State Level

H.P. 165 L.D. 214

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

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

An Act To Provide Tax Incentives to Small Businesses

H.P. 446 L.D. 613
(C "A" H-109; S "B" S-191)

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

An Act To Increase Faculty in Maine Nursing Education Programs

H.P. 1051 L.D. 1494
(C "A" H-401)

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

Resolves

Resolve, To Improve Procedures for Assessing the Mental Health Services Needs of Older Individuals

S.P. 171 L.D. 545
(C "A" S-209)

Resolve, Regarding the No Child Left Behind Act of 2001

S.P. 212 L.D. 676
(C "A" S-200)

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

Resolve, To Increase Small Business Access to State Contracts

H.P. 699 L.D. 1015
(C "A" H-400)

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

Off Record Remarks

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

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit a Registered Sex Offender from Residing within 1,000 Feet of the Residence of Any Child, a School, Day Care Center or Playground"

H.P. 207 L.D. 282

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-471)** (4 members)

Tabled - May 25, 2005, by Senator **DIAMOND** of Cumberland

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

(In House, May 24, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2005, Reports **READ**.)

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

Senator **CLUKEY:** Thank you, Madame President, ladies and gentlemen of the Senate. I hope you will reject the Ought Not to Pass report so that we can go on and discuss the minority Ought to Pass report. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I supported this Ought to Pass as Amended by Committee Amendment "A" (H-471) report. In my Senate district last year there was a pedophile that was placed very, very close to a daycare center. That really stirred up controversy in that small community. In the course of the public hearing, the Department said that there are now attempts not to place pedophiles close to schools or daycare centers. The original bill said that it was going to be 1,000 feet from the residence of any child. That makes it an impossibility to do. I supported the amendment because I heard testimony that the small group of people in Maine that have abused children under 12 must be constantly supervised. It is always a possibility that

they will re-offend. My thought was, 'Why place them so close to children that you are almost asking for trouble?' That is why I supported this report in an amended form, which takes out the residence and moves it down to 500 feet. I think it serves the public best to vote against the pending motion so we can go and accept the minority Ought to Pass report.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. There is no joy in Mudville for me today, to have to get up on the other side of this bill. It's not something that I wish to be remembered for, for debating whether or not we should be more strict on sex offenders because I think we need to and we will. The only problem with this particular bill is that it is filled with logistic problems, problems that I think can be addressed and would be addressed once the Committee on Criminal Justice and Public Safety has the time this summer and fall to deal with this and all the other sex offender bills which we killed in this body and the other body. Again, I do not wish to be debating on whether or not we need to be more strict on sex offenders. We do. We do have a problem with this bill, 500 feet versus 495 feet. Who's going to measure? Someone who lives in that situation now would have to move. We've heard testimony that there may be a constitutional problem with telling someone where they can live. All of these things need to be looked at. I understand this is a good bill that does scratch the itch. I wish that I could be on the other side and scratching it because I've got as big an itch as anybody on this. It just doesn't make practical sense if we're going to address this seriously. We really need the time this summer and fall to do that, not only that problem but also the other problems with sex offenders as well. I understand the situation you are all in. I understand the situation we are sitting here in, looking at this proposed Ought Not to Pass versus one you could pass. I would ask that you hang tight, give us some time this summer. I think the committee can come up with some good answers. Thank you for your time.

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

Senator **CLUKEY:** Thank you, Madame President, ladies and gentlemen of the Senate. There is in excess of 1,500 registered sex offenders in the State of Maine. As you can see, it would be impossible to pass this bill as it was first written; 1,000 feet from the residence of any child, a school, a daycare center, or a playground. What my amendment does is zero in on a group of child molesters. The Justice Resource Institute of Boston put out a report in April 2003. What they had done is come to the State of Maine and interviewed 327 inmates and 339 people on probation for sex offenses to see what type of sex offender they were. What they found out is that 19.6% of these inmates that are in prison were extra familiar child molesters, or child molesters who did not know their victims, and 11.3% were pedophiles. These are people who are interested in children under 12 years-of-age. My amendment zeros in on children under 12 years-of-age. It zeros in on elementary schools only. In the probation samples they found that 10.6% were extra familiar child molesters and 27% were pedophiles. As you can see, you are not talking about a large group of people here. You are only zeroing in on those people who molested children 12 years-of-

age and you are requiring them not to live close to a school where their victims have to go. As you can see, Madame President, the minority amendment narrows the scope of this legislation so that it becomes a workable alternative. Thank you, Madame President.

THE PRESIDENT: The Chair will remind members to speak to the motion in front of them.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond 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 (#171)

YEAS: Senators: BRENNAN, DAMON, DIAMOND, GAGNON, MAYO, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DOW, HASTINGS, HOBBS, MARTIN, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

ABSENT: Senator: BROMLEY

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-471) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Give Parents Control over the Sex Education of Their Children"

H.P. 1045 L.D. 1488

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-415)** (4 members)

Tabled - May 25, 2005, by Senator **MITCHELL** of Kennebec

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

(In House, May 23, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2005, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (5/19/05) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on 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

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

Minority - **Ought to Pass** (4 members)

Tabled - May 19, 2005, by Senator **TURNER** of Cumberland

Pending - motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, May 19, 2005, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#172)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, NASS, PLOWMAN, SNOWE-MELLO, WESTON

ABSENT: Senator: BROMLEY

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator MITCHELL of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act Regarding the Sale of Firearms at Gun Shows"

H.P. 256 L.D. 333

Majority - Ought Not to Pass (8 members)

Minority - Ought To Pass as Amended by Committee Amendment "A" (H-383) (5 members)

Tabled - May 25, 2005, by Senator DIAMOND of Cumberland

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

(In House, May 23, 2005, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, May 25, 2005, Reports READ.)

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

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

Senator STRIMLING: Thank you, Madame President. I urge my colleagues to vote against the motion in front of us. This is a two-fold issue, in my mind. First off is, obviously, safety. We should make sure people who are purchasing guns are not convicted felons. We should make sure we do the background checks. That's clear. I think almost everybody agrees that this is an important part of our law that has helped to prevent further crime. This is also about a fairness issue in terms of businesses in the State of Maine. I've been to a few gun shows. It may be a surprise. I went. I kept my baseball hat down low, but I enjoyed myself there. In talking with dealers at the gun shows, they were universally saying, 'I'd rather not have this law, I don't want to have to do the background checks, but if you are going to have the background checks in place, it really ought to be fair. It ought to be a level playing field. It's not okay that I have to do a background check right here and then somebody else can go purchase a gun with cash right over there and not have any background check.' That's an unfair business practice and I think they are right. We put the law in place, federally, to say let's do a background check. Let's just keep it clean and across the board,

that we do it for everybody at a gun show. Some people will say that there are private sales. You can do it in Uncle Henry's. That's true. No question about it. Remember, most guns are sold at gun shows, overwhelmingly. Most transactions occur at gun shows. It's not like this is just some little side thing going on and why are we getting in the way. This is where most of it happens. This is where the action is. Let's make sure that we protect public safety and create a level playing field for all businesses. Thank you.

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

Senator DIAMOND: Thank you, Madame President, men and women of the Senate. I apologize a second time today because they just seem to group up. I would urge you to vote for the Ought Not to Pass for a couple of reasons. First, gun shows are predominantly attended by people who are federally licensed dealers. They do the background checks and all of that. You also get a few private sellers. This bill really wouldn't accomplish anything because if they say that cannot have the little private sellers in the same room, they will just go out on the street and make their transaction out there. It really does not do much to control that. Also the gun show organizers can decide who will be participating and who isn't. If there is a problem, they can simply say to the private sellers that they cannot come in because it is unfair to practice their selling with those who have to do the background checks. That is the second reason why you should vote Ought Not to Pass. The third reason is that there have been absolutely no problems. I would encourage you to vote Ought Not to Pass. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond 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 (#173)

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

NAYS: Senators: BRENNAN, DAMON, NUTTING, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator DIAMOND of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Statewide Residency Requirement for General Assistance"

H.P. 119 L.D. 168

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-379)** (5 members)

Tabled - May 25, 2005, by Senator **MAYO** of Sagadahoc

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

(In House, May 23, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2005, Reports **READ**.)

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I hope you give this bill consideration and the opportunity to go on and pass the measure that is before you. It's a very straightforward proposal. The bill, as written, simply has a 30-day residency requirement to receive general assistance from your local community. This was brought to us by a variety of local communities and their welfare directors and the Maine Municipal Association, asking for that ability, and that flexibility, to be able to impose a residency requirement before they release general assistance aid, which is a benefit program that does fall on the property tax. Just to share with you comments from a couple of the folks that appeared before the committee, this is an excerpt from the testimony from the City of South Portland. It says, 'I have been the welfare director for the City of South Portland for almost 31 years. This past year I encountered more families landing on my doorstep that have just arrived from other states than I have ever witnessed before. After taking a few moments to engage them in conversation, it was clear that most had come here because they had heard that Maine provided the benefits they needed that were not being met in the state that they came from.' That was testimony from the City of South Portland.

Just to relay the position of the Maine Municipal Association, municipal officials support L.D. 168. Their support is not driven by a desire to reduce the costs of general assistance or to deter people from relocating from different states and municipalities, instead municipal officials view the bill as an opportunity for amending general assistance laws to achieve parity among all applicants. As enacted today, general assistance laws make a distinction between initial and repeat applications and holds those two classes of applicants to two different standards. While a repeat applicant for general assistance must demonstrate that the applicant has used all available income for basic necessities and

demonstrate that over the previous 30 days, an initial applicant is not held to that standard. While a repeat applicant must demonstrate that they have searched for work, an initial applicant does not. This practice of treating one class of applicants differently from another class is frustrating to municipal officials. The result is that ongoing recipients of general assistance are held to appropriate standards of accountability, standards that do not apply to people who migrate to the municipalities for a period of time until they are established under the program. That is the problem that is being faced by many municipalities in the State of Maine and this is a solution, an amendment to the current GA laws, which they are hoping we will support.

There was some concern in the committee, and some resistance to the idea, of a 30-day residency requirement being imposed, which is the proposal that is in the bill. If one were to consider, perhaps, a change to that and one was not comfortable with the 30-day requirement, then you could consider, for instance, allowing two things to happen. One change to the bill might allow the general assistance director to impose the application requirements on the initial application and then have the discretion on the return applications to be waived. Another change you could consider to the bill, as written, would be to allow some discretion to the local GA officer to verify that the funds have been used according to the original conditions of general assistance. I would ask that, perhaps, the members of the chamber would consider those types of changes. I hope you oppose the pending motion and move on to adopt the Ought to Pass.

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 Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I would hope this afternoon that you would support the majority Ought Not to Pass report. The good Senator from Hancock, Senator Rosen, is somewhat correct when he indicates that there may be a constitutional problem with some of the bill. The United States Supreme Court has twice declared durational residency as unconstitutional when that has gone forward to them. The premise behind this bill is that Maine attracts a large number of people coming to the state to take advantage of our liberal welfare laws and public assistance laws. That fact came to us from one of the communities in southern Maine. They indicated that 42 people in an 8-month period had moved into that community from outside of the state and outside of that particular community. DHHS did some checking on that particular situation. It was found that only two really might be considered having come to the community for general assistance, however one of those had gone to live with his brother and the other one was actively seeking employment in the community. The premise that people are coming to take advantage of our general assistance is not necessarily accurate.

The other thing that you should bear in mind is that currently Maine has the lowest general assistance benefit amounts of any state in New England. I have to admit that I found that surprising because in some areas of assistance we are not in that category. However, in this we are. For those reasons, I would urge this body this afternoon to support the majority Ought Not to Pass.

One final thing that I would say is that this matter is going to be studied and there will be a report coming back to the HHS committee in January because we had another bill that we reported out unanimously Ought Not to Pass but did send a letter forward to the DHHS asking that this be looked at and I believe that there will also be a couple of members of the committee involved with the department in that particular study to see if, in fact, there are problems in other communities. They did not surface in this regard. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I'm pleased that the members of the committee who voted for this bill recognizes the fact that we can't do what they thought we could do and they chose not to do that. Clearly it is a violation of what the Supreme Court has ruled. However, the minority members have chosen to go a little further. If you haven't had an opportunity, I suggest that you look at the filing number, which we will deal with if we get to that stage. The amendment has nothing to do with the bill. I repeat, the minority report has nothing do with statewide residency requirements for general assistance. If the members had wanted to go that route, there should be a bill to do that so people can have a public hearing on it.

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

Senator **ROSEN:** Thank you, Madame President. I'm pleased that the members have been directed to the amendment, with a filing number of H-379. A common practice, of course, in the legislature is to work a bill. Many times, if the focus is changed in an amended form, that also will include a new title for the bill. That is fairly standard practice. I think when you do read the amendment you will find that it does go directly to the heart of the issues that were raised at the hearing from the Maine Municipal Association and many others that testified in favor of the bill. I think there is a very strong correlation there. I hope you reject the pending motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Mayo 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 (#174)

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

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

ABSENT: Senator: BROMLEY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MAYO** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to Disclosures in Political Advertising"

H.P. 771 L.D. 1118

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-451)** (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - May 25, 2005, by Senator **GAGNON** of Kennebec

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

(In House, May 24, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**.)

(In Senate, May 25, 2005, Reports **READ**.)

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I would ask that you reject this report. This bill places an onus on the newspapers that should be on candidates. This bill was brought before the committee because the sponsors saw that a lot of newspaper ads regarding candidacies and advocacies for different issues did not have the required disclosure on there. Essentially what happened was that the candidates didn't comply with the rules and laws set forth by the Ethics Commission. The way to deal with this would be for someone to file a complaint with the Ethics Commission and not to bring a bill to the legislature to make it the fault of the newspapers. This actually asks the newspapers to try to interpret which organization and at what point during the campaign different disclosures need to be made. It is actually asking them to interpret the Ethics Commission's regulations and guidelines as

well as decisions. That's not the job of newspapers. The job of newspapers is to print what you give them. Once you sign off on a proof, you are pretty well responsible for what you've asked to be printed. This just doesn't do the right thing. It is the candidate's job. It is the PAC's job. You should know what you are supposed to do and the Ethics Commission is there to make sure that you do it right. It certainly shouldn't be the newspapers. Please keep in mind that all newspapers are not huge. My newspaper in Dexter, for instance, is a one-man operation until it's time to stuff the stuffers. I don't know how he gets people to come in, but they do it all by hand. The last thing he needs to do is try to take the 40 or 50 ads that come in during the week and try to ascertain whether he is meeting the law that the candidates should have to meet. I would ask you to please reject this report and not put a burden where it doesn't belong. It actually belongs on the candidate, the PAC, or the advocacy group and not with the person who is just taking the money and printing the newspaper. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I hope that you will support the pending motion. I appreciate what the good Senator from Penobscot, Senator Plowman, feels about this particular issue. However, the committee felt fairly strongly that it was a fairly reasonable request for the newspapers. The newspapers, in fact, don't just print everything that they receive. Even though the newspapers are certainly opposed to this and suggested that they were somehow not able to do this, we found out that they do, in fact, screen many of the ads that come through and they have a variety of policies related to ads. They don't accept ads from various hate groups organizations, for example, that would just run. They don't simply print everything that comes through the door. They do their job. They edit things. They edit their newspaper. They determine what their meets their standards and what don't. This is a standard that is in Maine law and is a standard that is already on the books for other forms of communications, such as medias such as television and radio. That is a requirement of those stations, to make sure that those disclaimers are properly there. It was the feeling that those types of things should apply to newspapers.

The other problem is that if there is an issue with a particular ad, while you go through the process of complaining to the Ethics Commission the ad continues to run, day after day after day, wherein a newspaper can quickly see the problem and correct it by putting a line on it as opposed to going through the Ethics Commission, by which time the run of that ad might be over with. It might just be a 4 or 5 day ad. By the time you get through the whole process with Ethics, it's all over with wherein if it is brought to the newspapers' attention and they call Ethics and Ethics says, 'Yes, it's got to be there' then, bang, it will be there and the issue will be corrected. It's more than likely there wouldn't be any penalties or fines. We really wanted to make sure that there is consistency between the different media outlets and also that it was not an unreasonable request. They often have these types of things in place with their advertising departments. In fact, I know my local newspaper does do that.

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

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **TURNER:** Thank you, Madame President. I would surmise that there are thousands of newsprint ads published when you consider daily and weekly papers. I'm curious as to whether or not any members of the committee that heard the bill had documented the number of violations, where the disclaimer was not appropriately attached to an ad? I've heard that there is some number but I don't know what it is.

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

Senator **GAGNON:** Thank you, Madame President. In response to the good Senator's question, we didn't have specific data about it but we did hear about a number of people had problems with that disclaimer and making sure that it complies with the state law. That was another reason why we thought this was important. We did have examples of people who actually had no disclaimers at all. To suggest that it is a huge problem, I'm not sure. I suspect that it's a huge problem for the candidate, the opponent of whoever is running the ad, and most papers have procedures for that. Again, there is inconsistency as to exactly what the disclaimers ought to be and what should be included in the disclaimers.

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

Senator **NUTTING:** Thank you, Madame President. Permission to pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **NUTTING:** Thank you, Madame President. I know a lot of ads are in newspapers, but I know that in my own campaign I've also hired print shops to do flyers for me. My question would be what is the current state law in effect to this issue in regards to print shops?

THE PRESIDENT: The Senator from Androscoggin, Senator Nutting poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. As far as I can tell, the print shops are not bound by this. This would be, as I described before, when you order your material from the print shop you sign off on the proof and then the printer prints what you asked them to. I would point out too, in addition to requiring that

the newspapers do this, they are also going to make them subject to the same fines that you make the candidates subject to. It's one thing to say that they must do it, it's another thing to subject them to the fines that are going to be levied. You are not just saying, 'Please do your best and make sure this happens'. This says, 'Do this or you are going to be fined as if you were a candidate.' The candidate should know the rules. If they don't know the rules, there is a manual right in front of them. It is your duty to live up to what you have said you are going to do. The newspapers are going to be penalized for perhaps not putting the right disclosure, as in the ones that have to be done if it's an independent expenditure, which is not authorized by the candidate, or authorized by the candidate, or the change that must happen 21-days out that you and I are aware of but the newspapers are going to be counting days. How does it affect a weekly, that only comes out every week? How does it affect the newspaper that comes out. Does he have to change the ad on Monday and not run the same ad on Thursday? You are putting an awful onus on the newspapers for them to comply with a law that doesn't have anything to do with whether it's hate speech or the content of the ad. It doesn't have anything to do with that. They can make a judgment on the content of the ad. To ask them to make a judgment on the little line at the bottom, that everybody makes as small as possible so that you can put your message in the ad, is a little bit stretching. I will tell you that the federal law recognizes that there is a difference between TV and radio and newspaper. They do not require that newspapers do this. They recognize that there is a difference. Most ads on radio and TV are done with the help of a political consultant. They tell you what your message should be. They know what your message is. They know how many days out you are playing it. You have professional consultation on most of those things. That doesn't happen with the \$25 ad that you buy in your weekly paper. The guy that is getting \$25 for the Rolling Thunder certainly doesn't have the expertise to sit down and make believe he's a lawyer. Now he is going to have to get some kind of expertise to make sure that this \$25 ad meets the letter of the law or he's going to be fined like you and I would be. Let's be reasonable, folks. You know, put the burden where it belongs. If you are a candidate, if you are a PAC, you should be obeying the law. If you are not obeying the law, someone should make a complaint about you. To put it on the newspaper is to me really stretching. I'm asking you to think this all the way through and think about what you are asking the newspapers to do. It is actually reasonable? If it is reasonable in your minds, and I'm not going to get anywhere with it, but if you believe that the candidate is ultimately responsible, then you will reject this motion and you will go on to say that candidates are ultimately the decider of what goes in the newspaper. That is the way it should be. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President. Very briefly. I would like to echo the comments of my good Senate chair. This is about a shared responsibility and a shared burden. The burden is not removed from the candidate. It seems to me that as candidates in Maine go to the newspapers to buy their ads, and they are certainly quite eager to take money from candidates, what a simple job it would be to ask, 'Is this a political ad?' As the Senator from Kennebec, Senator Gagnon, pointed out, if it is a newspaper ad and it's not disclosed, it really doesn't

help the candidate very much. By the time you go to the Ethics Commission the election could be over. There is a timeframe here that is very important. I think it's a very reasonable request. The penalty for violation is very small. Newspapers certainly make a lot of money on political ads. It's very simple for them to find out if this is a political ad. I urge you to support the majority of our committee.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I did want to respond to the comments that were made, particularly in reference to whether or not it is reasonable. Is it reasonable for us to expect newspapers to edit their papers? I think it is. That is what they do all day long. That is their business. They edit. They edit everything that goes in their paper. They have the right to edit everything in their paper. They can edit letters to the editor. They can not print your letter to the editor if they so chose not to. That is what they do. They edit. We are asking them to provide the same editing on this type of law.

Keep in mind also that not all of the ads that come into the newspaper that are political ads are from candidates. If your next-door neighbor chooses to run an ad for you, or against you, that your fence is too high or whatever it is and that you shouldn't vote for him. We're talking about direct election materials. In other words, don't vote for this person or do vote for this person. That's what we are talking about, direct election pieces. If your neighbor does that and it says, 'Don't vote for candidate X' that person is under the same obligation under the law as everybody else is. They need to put that disclaimer at the bottom of it. Did they know that? Likely not. They are just going to run that. In fact, that has happened in my local newspaper for a certain organization that has decided they want to endorse a particular candidate, an organization that isn't typically involved with political activities, but they wanted to endorse a particular candidate because they felt strongly about them and something to do with their issues. The ad runs, and low and behold, it was in violation of the law. It was something that could have been easily caught as the opponent of that candidate quickly scans to see who is doing this ad and what it is all about and how it's being paid for and that disclaimer isn't there.

We are asking newspapers to edit. Heaven forbid we ask them to edit their papers. I don't think it is an unreasonable request, whether it be for the small papers or the larger papers. I suspect that the small papers have a much smaller problem because they have fewer ads and they do actually deal with things on a manual basis. That is not really where the complaints came from, in fact, in testimony. It was from the larger papers that receive all these thousands of ads. What is interesting is that they know the name of your campaign when it's time to send you the bill. They have all that in their data base. We thought that it was not an unreasonable request to expect the major papers to do this. Keep in mind also that the reason the federal government does not deal with newspapers is because it's not within their realm of jurisdiction. They control the airwaves. The federal government controls the airwaves. That is why they are involved in this. That is why we wanted the same standards to be applied for newspapers in the state and the reason why we chose not to include it for the printers in this particular bill is because there seems to be more time to do that, more time. The

distribution can be limited or controlled if the complaint goes to the Ethics Commission whereas in the newspaper the ad will run day after day after day when it needed to be corrected and stopped up front. It is trying to prevent a problem before it even occurs in the middle of an election. I don't think any of it is unreasonable. I certainly don't think that asking newspapers to edit their newspapers is unreasonable. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#175)

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

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

ABSENT: Senator: BROMLEY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Efficiency of the Legislature"

H.P. 567 L.D. 802

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-447)** (12 members)

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

Tabled - May 25, 2005, by Senator **SCHNEIDER** of Penobscot

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

(In House, May 24, 2005, 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-447).**)

(In Senate, May 25, 2005, Reports **READ**.)

Senator **WESTON** of Waldo requested a Roll Call.

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

Senator **GAGNON:** Thank you, Madame President. I was just wondering what we are asking a roll call on.

THE PRESIDENT: The motion on the floor is the motion to accept the majority Ought to Pass as Amended by Committee Amendment "A" (H-447) report. That is the position in which the bill was when it was tabled.

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

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

Senator **WESTON:** Thank you, Madame President. May I ask a question to the President?

THE PRESIDENT: The Senator may pose her question.

Senator **WESTON:** Thank you, Madame President. The motion before us, as I see it, is the Ought to Pass report as amended by Committee Amendment "A" (H-447).

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I would encourage the Senate to defeat the pending motion so that we may go on and indefinitely postpone this bill. This is a bill, of course, that would provide, at a great expense, laptops for all legislators. Even though I think it is a compelling and good idea in terms of efficiency for the legislature, it is not a good time to be providing laptops, given our current budget situation. Secondly, I think that this is a good issue for the Legislative Counsel to be able to take into consideration in that it can be done through the counsel if that is how we so choose. I think there are other options also. Rather than providing laptops, many of us already own laptops and maybe that is an approach the Legislative Counsel can check into. Looking into software and networking and whatnot that would allow us to use our own laptops to start improving efficiency. I think this issue, while it's an honorable one and we certainly want to look at ways to improve efficiency in the

legislature, it may be best left for the Legislative Counsel and it is not a time for us to be spending a lot of taxpayer money when we are having a hard time funding other things. I hope that you will move to reject the pending motion. Thank you.

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

Senator **WESTON:** Thank you, Madame President. I didn't really think I had a dog in this fight, but may I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **WESTON:** Thank you, Madame President. It is my understanding that this allows for a search for grants and other sources besides taxpayer money. Am I clear on that?

THE PRESIDENT: The Senator from Waldo, Senator Weston poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. That is correct. The amendment does allow for that, however in discussions with those who put on the fiscal note, which is sizable in this case, there have been attempts in the past to put in language to find private sources of funding for projects such as these and it has been their experience that, overwhelmingly, this does not come to pass. I am very supportive of the concept and very concerned about it, given the financial situation of the state and the call for a 5% reduction in the budget and so on. I will support the good Senator from Kennebec, Senator Gagnon's motion.

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

Senator **GAGNON:** Thank you, Madame President. Once again, it does have a substantial fiscal note and the fact that we can go out and get independent sources is something that we can coordinate through the Legislative Counsel if the Senate will reject the motion.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. If I may ask a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. Is it possible that this might be funded through some of the savings? I know I've heard some things and I'm just trying to fumble through the amendments. I'm wondering if it might be possible through saving some of the paper that we get?

THE PRESIDENT: The Senator from York, Senator Courtney poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. First of all I'd like to state to everybody here that the day that we were sworn in we had some discussions and there was bi-partisan support for this. In fact, I sent around a message asking for this particular item to be looked at, I think it was the day after I was sworn in. This would achieve efficiencies. We should have the technology to eliminate some of the time and inconvenience. Time is money and apparently the time that we will be spending waiting on printed pieces of paper is sizable, according to those who have been here for much longer than I have. However, the savings, unfortunately, will come after two bienniums. The upfront cost of nearly \$309,000 the first year and about \$600,000 plus the second year. It's just under \$1 million upfront cost. Eventually we would see savings, however given the financial implications of this, I think it would be sending the wrong message, at this particular time, given the fact that we are calling for, and there is the potential of huge cuts to services. I don't think that the people of Maine would stand for us putting through legislation that calls for another \$1 million for technology for the legislature. I just don't think that they would want this at this time, although I'm very supportive of the concept and I'm very concerned about being behind states like Alabama and Mississippi and so on as far as technology is concerned. I think it's a sad situation, but given the financial state of Maine, I don't think that this is the right time for doing this. That is why I am supporting this motion. Thank you.

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

Senator **GAGNON:** Thank you, Madame President. Also in reference to the question, the reality is, under the current situation and the rules that we have and the way things work, it would be zero savings because unless we change our rules. Keep in mind that the rules are Joint Rules and our Senate Rules will always trump statute. Currently in rules, all of these pieces of paper that you receive on your desk right now are required by rule. We can go ahead and put laptops on every desk, but unless we change the rules to get rid of the paper, we haven't created any savings in paper. We would continue to go through a lot of paper that would not be necessary. Again, that is the type of detail in the process that we can work through at the Legislative Counsel. I also support the idea and hope that we can spend some time on that in the counsel. Thank you.

Senator **SCHNEIDER** of Penobscot requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Commission To Study Public Health"

H.P. 112 L.D. 134

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

Signed:

Senators:

- MAYO of Sagadahoc
- MARTIN of Aroostook
- ROSEN of Hancock

Representatives:

- PINGREE of North Haven
- WEBSTER of Freeport
- SHIELDS of Auburn
- CAMPBELL of Newfield
- LEWIN of Eliot
- GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-480)**.

Signed:

Representatives:

- WALCOTT of Lewiston
- GROSE of Woolwich
- MILLER of Somerville
- BURNS of Berwick

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

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

Reports **READ**.

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

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

ENACTORS

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

Emergency Measure

An Act To Improve the Surety Bond Requirement for Small Payroll Companies

H.P. 466 L.D. 633
(C "A" H-417)

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

Emergency Measure

An Act To Provide Access to Maine's Resources to Certain Veterans

S.P. 204 L.D. 649
(C "A" S-197)

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

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

ENACTORS

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

Emergency Measure

An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center

H.P. 942 L.D. 1359
(C "A" H-422)

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

Emergency Measure

An Act Regarding the Commission on Governmental Ethics and Election Practices

S.P. 573 L.D. 1599
(C "A" S-205)

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

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission

H.P. 969 L.D. 1392
(C "A" H-420)

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

Emergency Resolve

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

H.P. 1143 L.D. 1620

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

H.P. 1144 L.D. 1621

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Acts

An Act To Amend the Maine Consumer Credit Code - Credit Services Organizations

S.P. 222 L.D. 686
(C "A" S-198)

An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices

H.P. 798 L.D. 1155
(C "A" H-413)

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

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

ENACTORS

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

Acts

An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places

H.P. 799 L.D. 1156
(C "A" H-421)

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

An Act Pertaining to the Use of Muzzle-loading Firearms during Muzzle-loading Deer Season

H.P. 884 L.D. 1287
(C "A" H-433)

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

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

H.P. 944 L.D. 1361
(C "A" H-428)

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

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

ENACTORS

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

Acts

An Act To Protect Use of Municipal Seals

S.P. 479 L.D. 1380
(C "A" S-202)

An Act To Amend Dental Hygienist Licensing Requirements

H.P. 962 L.D. 1385
(C "A" H-418)

An Act Regarding National Forests

S.P. 484 L.D. 1395
(C "A" S-212)

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

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

ENACTORS

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

Acts

An Act To Protect the Integrity of Maine State Housing Authority Funds

H.P. 1009 L.D. 1445
(C "A" H-429)

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

An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry

H.P. 1013 L.D. 1449
(C "A" H-351; H "A" H-436;
S "A" S-190)

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:

ENACTORS

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

Acts

An Act To Permit the Department of Health and Human Services To Charge Fees to Homestead Facility Residents

H.P. 1049 L.D. 1492
(C "A" H-423)

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

H.P. 1155 L.D. 1637
(C "A" H-432)

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

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

ENACTORS

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

Resolves

Resolve, To Direct the Public Utilities Commission to Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services

H.P. 982 L.D. 1418
(C "A" H-419)

Resolve, Directing the Judicial Compensation Commission to Examine Allowing Judges To Receive Service Credit for Prior Legislative Service

H.P. 1033 L.D. 1470
(C "A" H-427)

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

Resolve, Regarding Clinical Trials of Pharmaceuticals, Treatment Options and Medical Devices

H.P. 505 L.D. 710
(C "A" H-381)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#176)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Dogs That Are Left Outside"

H.P. 155 L.D. 204

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, To Recognize Alton as a Host Community with Regard to the West Old Town Landfill

H.P. 729 L.D. 1076

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

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

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

READ ONCE.

Committee Amendment "A" (H-490) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Resolve, To Establish Energy Standards for Residential Rental Properties
H.P. 751 L.D. 1098

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands"
H.P. 1006 L.D. 1442

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Coordinate and Facilitate Salmon and Brook Trout Habitat Restoration Efforts

H.P. 1161 L.D. 1648

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-483)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**.

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

READ ONCE.

Committee Amendment "A" (H-483) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment"
H.P. 1166 L.D. 1652

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

COMMUNICATIONS

The Following Communication: S.C. 356

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-000**

May 24, 2005

Honorable Joy O'Brien
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Resolves 2005, Chapter 19, I am pleased to appoint Philip Merrill of Appleton, Beverly Daggett of Augusta and Norm Ferguson of Hanover to serve on the Secretary of State's Working Group to Develop Voting Systems Standards.

If you have any questions regarding these appointments, please do not hesitate to contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Support Animal Welfare"
H.P. 129 L.D. 178
(C "A" H-329)

In Senate, May 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-329)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-329) AS AMENDED BY HOUSE AMENDMENT "A" (H-444)** thereto, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"
H.P. 62 L.D. 66

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

Signed:

Senators:
GAGNON of Kennebec
MITCHELL of Kennebec
PLOWMAN of Penobscot

Representatives:
FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BROWN of South Berwick

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

Signed:

Representative:
BLANCHETTE of Bangor

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

Reports **READ**.

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

Senate at Ease.

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates" H.P. 20 L.D. 17

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-118)** (9 Members)

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

Tabled - May 25, 2005, by Senator **DIAMOND** of Cumberland

Pending - motion by same Senator to **SUBSTITUTE** the Bill for the Report, in concurrence

(In House, May 24, 2005, Reports **READ** and the Bill **SUBSTITUTED** for the Report and **PASSED TO BE ENGROSSED**.)

(In Senate, May 25, 2005, Reports **READ**.)

On motion by Senator **DIAMOND** of Cumberland, the Bill **SUBSTITUTED** for the Report, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

COMMUNICATIONS

The Following Communication: S.C. 355

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

May 24, 2005

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

With reference to the Senate's action whereby it insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Improve the Water Quality of Hall Pond in Paris" (H.P. 306) (L.D. 421)

I have appointed as conferees on the part of the Senate the following:

Senator Bruce Bryant of Oxford
Senator Ethan Strimling of Cumberland
Senator Kevin Raye of Washington

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require that Division Heads within the Department of Agriculture, Food and Rural Resources Be Unclassified" S.P. 270 L.D. 815

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

Signed:

Senators:
NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:
PIOTTI of Unity
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
SHERMAN of Hodgdon
PINEAU of Jay

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

Signed:

Representatives:
CARR of Lincoln
JODREY of Bethel
FLOOD of Winthrop
TWOMEY of Biddeford

Reports **READ.**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act Concerning the Disclosure of Juror Information"
S.P. 63 L.D. 157

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act Relating to Animals in Food Stores and Restaurants"
S.P. 163 L.D. 537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-245)**.

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Protect Maine Harness Racing from Illegal Wagering"
S.P. 370 L.D. 1053

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-246)**.

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

READ ONCE.

Committee Amendment "A" (S-246) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships"
S.P. 424 L.D. 1210

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Encourage the Purchase of Meat Produced without Nontherapeutic Antibiotics"
S.P. 388 L.D. 1126

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Establish Duties for Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities"

S.P. 407 L.D. 1179

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Limited Partnerships between Brewers and Wholesalers"

S.P. 259 L.D. 792

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

Signed:

Senators:
MITCHELL of Kennebec
PLOWMAN of Penobscot

Representatives:

FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-252)**.

Signed:

Senator:
GAGNON of Kennebec

Representative:
VALENTINO of Saco

(Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Karen Davis To Sue the State
S.P. 397 L.D. 1133

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

Signed:

Senators:
GAGNON of Kennebec
MITCHELL of Kennebec
PLOWMAN of Penobscot

Representatives:

FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-251).**

Signed:

Representative:

TUTTLE of Sanford

Reports **READ.**

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **GAGNON** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Compensate the Gambling Control Board" (EMERGENCY)
S.P. 571 L.D. 1597

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ORDERS OF THE DAY

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

An Act Pertaining to the Use of Muzzle-loading Firearms during Muzzle-loading Deer Season

H.P. 884 L.D. 1287
(C "A" H-433)

Tabled - May 25, 2005, by Senator **BRENNAN** of Cumberland

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

(In Senate, May 23, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)**, in concurrence.)

(In House, May 25, 2005, **PASSED TO BE ENACTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#177)

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

NAYS: Senators: None

ABSENT: Senators: BRENNAN, MILLS, NUTTING

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Reduce School Truancy"
H.P. 370 L.D. 495

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-369)** (6 members)

Tabled - May 25, 2005, by Senator **DAMON** of Hancock

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

(In House, May 24, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2005, Reports **READ**.)

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I would ask that you would defeat this motion so we can accept the majority Ought Not to Pass report. This is the truancy bill that would say that any student in their first provisional time period would not be allowed to get a driver's license if they are habitually truant. Habitually truant is basically defined as someone who missed seven consequent days of unexcused absences from school in one term or ten days in one term. A couple of problems with this; one, a driver's license shouldn't be used, in my opinion, to take care of problems in school. Two, a truancy problem of that magnitude is really a problem at home and not necessarily only with the student. I think we need to recognize that and take a peek at that so that we know, realize, and acknowledge that there is a problem going on. That driver's license maybe the only way that student has a chance of breaking out of that bad home environment. I'd also remind you that, for some reason, this pertains to public schools. If you can afford to send your child to a private school, it doesn't apply. I think it has a little bit of unfairness there. Not only should it not be applicable to be using the driver's license that way, but also it strikes me as, for some reason, not across the board as it might be if it were appropriate. I would ask you to consider that position and vote down this report. Thank you.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Indeed, I must agree with much of what my fine colleague and member of the Transportation Committee, the good Senator from Cumberland, Senator Diamond, has had to say. The amendment on the minority report, in terms of the committee amendment, does all of the things that the Senator mentioned earlier. Using the license as a lever to encourage better school attendance, notwithstanding what he fears may happen as a result of it, but done for a time certain. In fact, it has a sunset. The amendment repeals these provisions after June 30, 2008. If this minority report and the pending motion does succeed and this does become law, we would have a trial period under which we could determine if, in fact, this level was successful in keeping our students in school, as we would all hope they would. It is true that it doesn't go far enough, in my mind, in that it only deals with public schools, and thus, if you had the means to send your student to a private school it wouldn't pertain or if you chose to educate your student at home it wouldn't pertain. I do think, in the latter case at least, if you have truants in the situation of home schooling, you probably ought to look somewhere other than the license. I do support it in terms of having this as being the trial that might be used to keep those

students in school. Therefore, I would urge you to support the pending motion. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I would ask you to support the Ought Not to Pass report, which means you want to vote against this one. I guess I would draw on what I've seen in the classroom. I teach in middle school. Kids who do not come to school, some of those kids would be in high school. I've watched children care for their mother who was dieing of cancer, in the case of a split home. There were days when that mother was having chemotherapy or something and the child could not go to school. If a child is not attending school, there are better ways than through the punishment of removing a driving license that is perhaps needed to transport younger children or siblings, or transport parents who are sick. I'm not seen in the classroom as an easy teacher, I'm rather strict, but the amazing thing is, for many people the kindest thing they see all day might be their teacher. If you think of the poor students that have me, you can understand that they have to have a really bad home life. Many of these students do. It's real easy when we sit here to say to punish those students, take away their license and we'll get them in school. By hook or by crook, we'll make them read. I maintain there are some better ways to get children to read. Many times we have to see the baggage these kids are carrying. I can't tell you the number of children who have not attended school because they are taking care of a terminally ill parent and there is only one parent in the house. I think we need to look at that. I would ask you to show some more compassion and instead make sure our schools are places where kids want to come and feel safe. 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 just wanted to clarify that this bill does not take away a license from a student. It simply says that if they want to be able to apply for a license they have to be in good standing in terms of their attendance at school. This bill was brought to us by a truancy officer and by the police department of Lewiston. For those of you who have been in schools, many of you know how we struggle to have students stay in school and learn and graduate. Getting one's license is a huge motivator. The truancy officers and the police see this as one more tool that would be in their box, to be able to try to encourage students to be in school so that they can lean, so that they can graduate, and they can be successful in life. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Just reading through the summary here and I guess I'm a little bit concerned that the passage of this bill means that the student has to prove that they are not a truant. I think that this premise is so negative. I just don't know if that is what we ought to be doing here in the legislature. I think we ought to be trying to motivate these people, these children and kids, through supporting them and building them up and not

making them prove that they are not doing something wrong. I think we have a better way of governing than that. I hope that we will defeat this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Accept the Minority Ought to Pass as Amended Report.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#178)

YEAS: Senators: ANDREWS, DAMON, NASS, ROTUNDO, SAVAGE

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

ABSENT: Senator: NUTTING

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/24/05) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government

H.P. 986 L.D. 1422

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-437)** (5 members)

Tabled - May 24, 2005, by Senator **SCHNEIDER** of Penobscot

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

(In House, May 23, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 24, 2005, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Senator **SCHNEIDER** of Penobscot.

Senator **SCHNEIDER:** Thank you, Madame President. I'd like to bring my colleagues' attention to the pink notice that was left on their desk regarding this bill. The reason why I oppose L.D. 1422, although I think the goal was to have more bi-partisan support, is because it's not the right way to achieve this. L.D. 1422 would require us to put forward two budgets. If two budgets were submitted, the public hearing process would be nearly impossible to manage. If one budget was submitted and a 2/3 vote was not obtained in both chambers, the public would have no opportunity to comment on the additional 5% reduction called for in this bill. Also if the budget received unanimous support in the Appropriations Committee, received 2/3 support from the Maine Senate, yet fell one vote short of 101 votes in the House, the bill would need to go back to the committee or be amended on the floor to reduce the budget down to 95% of revenues. In this case it would be the reduction of more than \$275 million. L.D. 1422 calls for no General Fund bonds unless the reserve account is equal to 5% of revenues.

This is clearly a bill to encourage bi-partisan support for biennial budgets. That's been made pretty obvious. However, if the ultimate goal of this bill is achieved and every budget from today forward is passed by a 2/3 vote, no money would go into the reserve account and General Fund bonds would be prohibited by law unless the legislature appropriated \$275 million to the fund. I am totally against this. I think it would be a horrendous problem for us in the legislature. It's not the right way to achieve bi-partisan support, to put forth an amendment to the Constitution of Maine in this way. I think that regardless of who's in power, whether it's a Democratic legislature or a Republican legislature, I think it would be equally difficult. You never know who is going to be in power. I would encourage you to support the majority Ought Not to Pass report. Thank you, Madame President.

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

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. This was an attempt to get some bi-partisan support. Let me tell you what this bill does and then I will deviate a little.

It requires, except in times of emergency, that the special reserve account exceed or be equal to 5% of the total budget. It

requires a 2/3 vote to expend money from that reserve account or by people's referendum. It requires a 2/3 vote for the state to borrow money that will not be put back in that biennium. It requires a 2/3 vote to bi-pass that 5% requirement in any budget year. It requires that there be 5% in the special reserve fund before the state can create any indebtedness. It allows for a transition biennium where the first year only needs to be 5% of the annual expenditures rather than the biannual expenditures.

I'd like to deviate and go back to talk a little history of what's gone on the past few years. It's become painfully obvious to me, and I'm sure to others in this body, that the citizens of the state have not been too pleased with our performance up here. They are beginning to govern by petition, as was observed with the MMA sponsored proposal that passed, which then required L.D. 1. If you look at L.D. 1, it's also painfully obvious to me that this did not meet the requirements to provide tax relief. We know that there are many districts that are not receiving their educational funding so that we are now obliged to set aside a little reserve account to help them. We also are aware that the transportation cost of education wasn't addressed in L.D. 1 and we are dealing with that. In my own committee yesterday we had another bi-product of L.D. 1 that had to deal with tax caps. I don't think that we are taking the time to fully think through some of the things we're doing. If you read the paper, I'm sure you are well aware that our bond rating has gone down. One of the critical things that they listed as part of that was the fact that we had no reserve.

I truly believe that if we are ever going to get back on the right track that we need to seriously consider this bill. If you are aware of the discussions that have gone in this body and in this building the past week or two, you are aware that we are looking at some serious spending and budgeting issues. Let's get Maine back on a sound financial track. I would ask you to vote against the Ought Not to Pass and to on to put the State of Maine's book back in order. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I join my colleague from York County in encouraging you to vote against the majority report. This is, in my mind, sound fiscal policy. It is a good compromise. There are some who would say that we want to have a Constitutional Amendment on spending. There are some who would say we should do nothing. This is a good compromise. What it basically says is that we need to put money in a rainy day fund and we need 2/3 bi-partisan support if we ever want to use it for whatever it is. If one side wants to use it for tax relief, they have to get 2/3. If another side wants to use it to create new programs, they've got to get 2/3. That's a fair compromise. What it also says, which I think is very important, is that in order for us to take action like we took earlier on the borrowing, we need 2/3. We need to have enough people in this body who say, 'Look, this is an absolute crisis' and 2/3 of this legislature, which is the highest mark we have, would have to vote for it before we are going to borrow money that's going to have to be paid back by future generations. I think this is a good compromise. It brings folks together, which I have been trying to talk about quite a bit. It's sound fiscal policy. At the organization I run, one of the things we have been striving to do over the last 8 years that I've been there is slowly build a rainy day fund. We have been diligent about it. The Board of Directors has been adamant about it and we have forced ourselves to do it. What

this does is help us get there even faster. It doesn't put limitations. It doesn't go that far. It's just a compromise saying, 'Hey, let's make sure we put some money away and let's make sure we don't borrow unless it's the kind of crisis that 2/3 of this body says we must do.' Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise to join with the Senator from Cumberland, Senator Strimling, in asking that you reject the pending motion so we can move on and pass this legislation. This is a bi-partisan effort. That is something we've a little too little of around here. This is truly a bi-partisan effort to impose fiscal discipline on state government. For those of us in this room who are unhappy and uncomfortable with where we are at this moment in history, facing the people's veto of this borrowing package, we wouldn't be in this position if this were the law of the land. I hope that we will come together on a bi-partisan basis, as those of us who have co-sponsored this legislation have, to rally around having a 2/3 majority to borrow be on the current legislature. This makes sense and I think the people of Maine would agree. Having a reserve account, a 5% reserve account, to help bail us out when times are tough, makes sense. The people of Maine would agree. I hope that we can join together on this and not have a partisan vote in this body today, but to work together across party lines. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I must first agree that this probably is not going to be a partisan vote. My good friend from Cumberland certainly seems to indicate that he's going to be voting for it. I just don't know where to begin to debate this issue. I have enough areas that I'm going to try.

Let me just remind you that, in good times, Maine has actually put away 5%. We actually did it in 2000. We did it in 2001 and 2002. We were above 5%. We had that money. I think what we're trying to do here is to develop a system of government like California were it is completely governed by the voters, because of their Constitutional initiative ability and their statutory ability. The voters have done these things to them. We have now reached about that same level. We got there with MMA last June. If the voters had been asked, 'Do you want to raise taxes to deliver \$250 million for education?' the answer would have been no. Oh no, it was, 'How would you like to have more money for education?' I don't know of anyone that would want to vote against that. For those of you who have town meetings, what is the voter's reaction when you say, 'Let's put money in reserve?' They say, 'If you don't need the money, why tax us for it?' If you have been to a town meeting recently you know that feeling. They don't say, 'Oh, now is the time, let's raise our property tax and let's just put that money into reserve.' It was easy for the voters to buy what they did last year. I, personally, would have liked to have a second question asked. I pushed for that to be an alternative, to say, 'Do you want to raise taxes in order to achieve 55% or whatever 55% happens to be?' I look at where we are. Someday someone, by the way I am working on it if I ever get to it, will have a sheet for you that lays out how much money goes to

the municipalities in this state. We are simply a pass through. We raise the money and give it. By the way, I would say our overview isn't very good. How many superintendents do you want? Not a problem. How many town managers do you want? Not a problem. How many fire trucks do you want? Let's give them some more. Don't ever forget that in this country we have decreased the size of government at the state level. We've decreased the size of government at the federal level. However, look at the figures from the municipalities.

Then we talk about the bond rating. Well, I want to talk about the bond rating. You may have seen the bond rating results that were passed out yesterday, where we were downgraded from AA2 to AA3, which probably will mean \$10,000 or \$15,000 more on bonds when we go out to bid on them. What this bill does is to make it even more difficult. We've heard arguments that this limits our ability to issue bonds. Well I'm one of those that wish we'd never heard of revenue bonds. I will do everything I can in order to get rid of revenue bonds but this was an idea that came. I want to talk about something else that bothers me. In my 24 years in leadership, it is something I never would have thought of doing. I've heard reports that a member of this body contacted the New York bond houses prior to the rating decrease in order to talk about what Maine was doing. We're going to do this lottery bond. What did that do to potentially lead to a downgrade? In my 24 years in leadership, there was never a question raised about who should be talking to bond houses. It was left to the Treasurer and the Governor. I remember when Governor McKernan served as Chief Executive. The Treasurer and the Governor asked the President and Speaker to accompany him to New York. Maine's bond ratings have a direct impact on the rates that we pay. A downgrade, obviously, has a negative impact. If it is true that a member of this body did that, I want to know whether it played a role in raising the cost of Maine's borrowing. So, Madame President, I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **MARTIN:** Does any member of this body have any information as to whether or not bond houses were contacted directly and what information was provided and also the content of these conversations? It is critical, in my opinion.

THE PRESIDENT: The Senator from Aroostook, Senator Martin poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. It came to the attention of a number of us not very long ago that there was some information being conveyed to bonding houses that I think was very possibly false and misleading. It was information coming from this Administration with the intention of raising the specter that a people's veto of this profligate borrowing, which the good Senator from Aroostook, Senator Martin, has rightfully condemned, could somehow create an uncertainty in the borrowing or bond market that would have an impact on our bond rating. In other words, there was a transparent effort to try to convert public opinion into thinking that an effort to veto this awful bond was somehow detrimental to our bond rating and an effort to solicit that opinion from bond councils, bond salesmen, and bond rating houses in New York. I suggest that it is the Administration and the

Treasurer who were attempting to impact our bond rating, perhaps inadvertently, in an effort to find political cover for this embarrassing bond that they've sponsored and endorsed and have, themselves, possibly contributed to downgrading of this state's bond rating. I have to tell you that this effort on their part and the damage that they may have done was undone by communications that I've had with all three bond houses to assure them that the people that were initiating this people's veto were doing so in order to preserve our bond rating, or to salvage it, and to undo the substantial damage that was done when, on January 7, 2005, this Administration proposed to sell of the lottery for \$250 million and give up \$45 million of annual revenue for years to come at great detriment to social services and the management of future budgets for legislators that have not even been elected yet, on top of having sold the liquor business two years ago for \$125 million, depriving this institution of \$26 million in annual revenue, and on top of having given away tax resources to Pine Tree Zones that were being dolled out willy-nilly like playing cards to anybody who wants one. It's no wonder that this state is heading towards a state of bankruptcy. The incompetence in which this Administration has managed our revenues is unspeakable. Until we, as a legislature, both sides of the aisle, Democrats and Republicans and Independents, begin to reassert ourselves and regain control over fiscal prudence, I think we are going to continue heading in a downwards spiral. I think time that this legislature took back its control over the budget process, the revenue process, and began to reassert itself and do the job that the people elected us to do.

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I would like to respond to the northern most Senator on a remark he made regarding reserve accounts in your towns. I am proud and pleased to say that we have quite a few reserve accounts in my town and we call this sound fiscal responsibility in preparing for the expense of perhaps a new fire engine, a new fire station, or in our case, we frequently have to pay for all our schools. In my town, reserve accounts are considered sound fiscal policy.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise to respond. I heard a moment ago the Senator from Aroostook, Senator Martin, say that we have decreased the size of state government. The biennial budget in the last biennium was \$5.4 billion. The biennial budget in this biennium is over \$5.7 billion. Only in Augusta could a \$300 million increase be considered reducing the size of state government. I'm also amazed at the suggestion that the downgrading of our state's credit rating by the bond houses could somehow be attributed to a member of the minority in this body. That is a prosperous statement. I would also point out that if we had this money put aside in a reserve account it is doubtful we have been downgraded. That is at the center of this debate. As for the notion of reserve accounts, it is apparent that even the Chief Executive believes in the importance of reserve accounts. The difference is that he did it with borrowed money.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. When I went to college I paid money to listen to people lecture me. When I went to graduate school I paid money, I paid more money, to have people lecture me. When I was elected to the Maine State Senate, with 34 other peers, I did not come here to be lectured to. In the previous debate, I have been lectured to about fiscal responsibility, and about what the Administration might be doing or not doing in terms of where this state is going. I'm not sure if these lectures that I've gotten today are worth the money that I'm getting paid to be here now. With that being said, I think that this debate is important. It's very important to me, this particular issue of amending the Constitution. The Constitution is a very important, if not one of the most important, documents that we have in the state. We should not amend it as a matter of political tactic or political rhetoric. It's something that governs everything that we do here everyday. We should be very careful about when we choose to amend it and if we choose to amend it. We most certainly should not be amending it for the proposal that is before us today. Equally important to me, in terms of the Constitution, is the concept of democracy. Quite frankly, I'm tired of all these proposals that continue to come forward to undermine democracy in this state. We will get to a point where we won't need a Legislature. We won't need representative people to be here because it's all going to be decided, what we can vote for, what we can't vote for, what decisions we make, and what decisions we don't make. We are elected as representatives of democracy to make the best decisions we possibly can for how this state should go forward. Now we have a title here that this is going to help the voters control the cost of what we're doing up here. The control that the voters have is in electing us, or not electing us, to represent their interest. We don't need artificial political gimmicks to amend our Constitution to do that. I believe that part of debate in a democracy is the debate that we have right here on this particular item. I appreciate the fact that I was elected here, with 34 other colleagues, to have that debate, but we don't need a Constitutional Amendment to tell us what decisions we can make or shouldn't make when we're representing our constituents. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I just don't understand what it is we don't understand. The good Senator from Washington, Senator Raye, talks about the cost of government going up. Have we looked at the amount of money going to GPA from last year to this year? From four years ago to now? In the next biennium we have \$837 million for GPA. In the second year of 2006 - 2007 we have \$892 million. That's \$1.7 of the entire \$5.4 billion budget. That does not even take into account the money that we put in for the state retirement for municipal employees, that is our teachers. Doesn't take into account revenue sharing. I can go on and the list goes on. That has increased every single year. That's what I'm talking about. We can't say no to our municipalities, and I share that, don't get me wrong. We can't say no so we increase the state budget. I haven't heard anyone say anything. Look at the outcry yesterday. We meant 5% but we didn't mean it on education for

elementary and secondary. We meant it on everything else. We're all in the same boat. Then I want to point out that the sheet that the good Senator from York, Senator Andrews, passed out, if you've looked at it, which you probably didn't, shows the good years and it shows in 1999 the 5.8% in the reserve, 2000 had 6%, and 2001 had 6%. We had some good years and we put the money aside. Then, and some of us would say it's the fault of the Republican administration in Washington, we went in the hand basket. I won't say that. Look at the figures. Okay. We had a problem. I admit to the fact that we passed the budget at the end of March which turned out to be, obviously, a partisan budget because members of the other party wouldn't join us for their own reasons. I'm not attacking that, but I can if you want me to. The point remains, in my opinion, that we're kidding ourselves if we want to put this government on automatic pilot. That's what I think is the mistake we're making because if the will lies here, it can be done. If the will lies here. I've told members of my own caucus that I would have preferred to have a 2/3 budget, but it was not to be. I don't think it is there now and I think that whatever we choose to do, which I believe we have to do on this side of the aisle, we will do because I don't see the other side aisle, in both chambers, being willing to do what needs to be done in order to get to that goal. That's unfortunate. I wish it were different. When we are given an ultimatum that there will be no borrowing, no taxes, and no cuts, that really doesn't leave you much room to maneuver. Granted there are some who are willing to do that. When I see seven come forth and raise their hands to join us, I'll eat my words.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider 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 (#179)

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

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

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

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-437) **READ**.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-437).

The Chair laid before the Senate the following Tabled and Later (5/24/05) Assigned matter:

An Act Regarding Identity Theft Deterrence
S.P. 190 L.D. 581
(C "A" S-187)

Tabled - May 24, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)**, in concurrence.)

(In House, May 23, 2005, **PASSED TO BE ENACTED**.)

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. This won't be nearly as long or as exciting as the prior debate. This bill is flying through here because, one, it is a good idea, and two, it was a unanimous committee report. I wanted to quickly put some remarks on the record so that when you get asked, 'What did you do up here that was good?' this is something you can talk about. We hear a lot about identity theft every day now. This is, perhaps, the best consumer protection thing that we'll be doing this session. It's a really important step in helping us reclaim control of our own information. Simply, what it does is, if you are a victim of identity theft, you get to put a freeze on your report free of charge so that no one, for any reason, can lift that information because there is likely something incorrect in it. If you happen to be just interested in privacy, through the use of a pin number, you can secure that information, can freeze that information, so that, again, no one can have access to your credit information without your permission. If you want to buy something, you lift it temporarily and then it is secured again. I just wanted to let you know something that you did that was good up here. Lots of times we don't get to look up these unanimous reports. We are fourth in the nation to do this legislation, along with California, Texas, and Vermont. There was no opposition except modest objections from the credit bureaus who then came on board. It's a good thing and I recommend that you let your constituents know in your newsletters. Thank you, Madame President.

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

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Tax on Private Nonmedical Institutions" (EMERGENCY)
S.P. 52 L.D. 146

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-173)** (5 members)

Tabled - May 25, 2005, by Senator **MAYO** of Sagadahoc

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, May 24, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173)**, in **NON-CONCURRENCE**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#180)

YEAS: Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

NAYS: Senators: BRENNAN, BROMLEY, GAGNON, MARTIN, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **MAYO** of Sagadahoc to **RECEDE** and **CONCUR**, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Hospital Tax"
S.P. 224 L.D. 687

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-164)** (5 members)

Tabled - May 25, 2005, by Senator **MAYO** of Sagadahoc

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, May 24, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-164)**, in **NON-CONCURRENCE**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#181)

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

NAYS: Senators: BRENNAN, BROMLEY, GAGNON, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **MAYO** of Sagadahoc to **RECEDE** and **CONCUR**, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal Tax and Match" S.P. 236 L.D. 699

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-193)** (5 members)

Tabled - May 25, 2005, by Senator **MAYO** of Sagadahoc

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, May 24, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-193)**, in **NON-CONCURRENCE**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#182)

YEAS: Senators: ANDREWS, BARTLETT, BROMLEY, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

NAYS: Senators: BRENNAN, BRYANT, GAGNON, MARTIN, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **MAYO** of Sagadahoc to **RECEDE** and **CONCUR**, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Regulation of Firearms on Public Property" S.P. 106 L.D. 344

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-236)** (2 members)

Tabled - May 25, 2005, by Senator **DIAMOND** of Cumberland

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

(In Senate, May 25, 2005, Reports **READ**.)

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/23/05) Assigned matter:

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"
S.P. 218 L.D. 682

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-220)** (6 members)

Tabled - May 23, 2005, by Senator **COWGER** of Kennebec

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

(In Senate, May 23, 2005, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/24/05) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Dogs at Large"
H.P. 677 L.D. 967

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-430)** (6 members)

Tabled - May 24, 2005, by Senator **DAVIS** of Piscataquis

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

(In House, May 23, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 24, 2005, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (5/24/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Preserve Farmland and Timberland following the Death of an Owner"

H.P. 586 L.D. 827

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-442)** (7 members)

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

Tabled - May 24, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, May 23, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 24, 2005, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#183)

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

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

ABSENT: Senator: NUTTING

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled Unassigned matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Governing Use of Seat Belts"
S.P. 25 L.D. 80

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

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

Off Record Remarks

Tabled - March 15, 2005, by Senator **DAMON** of Hancock

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

(In Senate, March 15, 2005, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#184)

YEAS: Senators: ANDREWS, DAMON, GAGNON, MARTIN, MAYO, MITCHELL, PERRY, SAVAGE, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, WOODCOCK

ABSENT: Senator: NUTTING

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Off Record Remarks

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

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

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