

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

In Senate Chamber
Monday
April 7, 2008

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

Prayer by Senator Nancy B. Sullivan of York County.

SENATOR SULLIVAN: Good morning. Two prayers in less than two weeks is a little more than I am able to do so I had to return to something, to give you an idea, this book was \$3.95 and it has my maiden name in it. I've used it often when I could not think of anything to say. I decided to introduce it this way, this is the prophet and there is a part of it that says, 'Then a priestess said 'Speak to us of prayer' and he answered, saying 'You pray in your distress and in your need. Would that you might also pray in the fullness of your joy and in the days of your abundance.'" In that spirit I offer a prayer of thanksgiving.

We pause this morning to thank You. We thank You for the songbirds, the sun's warmth, the melting snow piles, albeit slowly, all signs that spring will indeed come. We are thankful to live in Maine, while we recognize there are concerns, Maine is a special place. We are thankful to be Americans, living the experiment of democracy. Lord, regardless of our views on the war, we are thankful for our service men and women in harm's way. We ask Your blessings for them and their families. We are especially thankful for our families and friends. The mountains we all must climb and the valleys we all must experience are made easier, yet more profound, because of loved ones. We thank You for the ability to love. Amid all of our blessings we humbly ask for help. We know too many live here in Maine who live in the shadows and on the margins. We pray for the lonely, the troubled, the old, the poor, the sick, the orphaned. May You guide us in our work here to benefit all and not just a few. May You teach us the art of compromise and in these waning days of the 123rd please help us to appreciate each other's beliefs. Let us work together and in spite of the seriousness of our work let us laugh. Yes, to live to love to laugh. Shalom. Amen.

Pledge of Allegiance led by Senator John M. Nutting of Androscoggin County.

Reading of the Journal of Friday, April 4, 2008.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Raise the Per Diem Rate for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission"

S.P. 763 L.D. 1969
(C "A" S-488)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-488)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-489)** (5 members)

In Senate, March 27, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-489)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-489)**, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 748

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

April 3, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd 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 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Justin Chenette of Saco, for appointment to the State Board of Education.

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 Bowman of York, Mills of Somerset

 Representatives 8 Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Strang Burgess of Cumberland

NAYS 0

ABSENT 3 Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Sutherland of Chapman

Ten 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 Justin Chenette of Saco, for appointment to the State Board of Education, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 749

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

April 3, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd 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 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Honor R. Wilkinson of Calais, for appointment to the State Board of Education.

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 Bowman of York, Mills of Somerset

 Representatives 8 Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Strang Burgess of Cumberland

NAYS 0

ABSENT 3 Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Sutherland of Chapman

Ten 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 Honor R. Wilkinson of Calais, for appointment to the State Board of Education, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 750

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

April 3, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd 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 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Frances R. Frost of Portland, for appointment to the School Board of the Governor Baxter School for the Deaf.

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	Bowman of York, Mills of Somerset
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Strang Burgess of Cumberland
NAYS		0	
ABSENT		3	Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Sutherland of Chapman

Ten 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 Frances R. Frost of Portland, for appointment to the School Board of the Governor Baxter School for the Deaf, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 751

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

April 3, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd 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 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Joan P. Nason of Bath, for reappointment to the School Board of the Governor Baxter School for the Deaf.

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	Bowman of York, Mills of Somerset
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Strang Burgess of Cumberland
NAYS		0	
ABSENT		3	Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Sutherland of Chapman

Ten 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 Joan P. Nason of Bath, for reappointment to the School Board of the Governor Baxter School for the Deaf, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 752

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

April 3, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd 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 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Maggie Hoyt of Edgecomb, for appointment to the School Board of the Governor Baxter School for the Deaf.

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	Bowman of York, Mills of Somerset
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Strang Burgess of Cumberland
NAYS		0	
ABSENT		3	Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Sutherland of Chapman

Ten 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 Maggie Hoyt of Edgecomb, for appointment to the School Board of the Governor Baxter School for the Deaf, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 753

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

April 2, 2008

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

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Land for Maine's Future Board under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting
Chair

S/Representative Wendy Pieh
Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 754

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

April 2, 2008

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

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Harness Racing Commission under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting
Chair

S/Representative Wendy Pieh
Chair

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

The Following Communication: S.C. 755

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

April 2, 2008

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

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Milk Commission under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting
Chair

S/Representative Wendy Pieh
Chair

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

The Following Communication: S.C. 756

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

April 2, 2008

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

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Dairy & Nutrition Council and the Maine Dairy Promotion Board under the State Government Evaluation Act. In its review, the Committee found that the Council and the Board are operating within their statutory authority.

Sincerely,

S/Senator John M. Nutting
Chair

S/Representative Wendy Pieh
Chair

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

Off Record Remarks

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing: Josiah and Kathleen Pierce, of Baldwin, who have been named the 2007 National Outstanding Tree Farmers of the Year by the American Tree Farm System. This annual award recognizes outstanding sustainable forest management on privately owned forestland. Mr. Pierce, the sixth generation of his family to reside on the family property, and his wife operate the Pierce Family Tree Farm, which has been certified since 1961. The Pierces devote their life to teaching people about sustainable forest management and tree farm ownership. They are also dedicated to wildlife conservation and are active members of numerous conservation and community organizations, such as the Small Woodland Owners Association of Maine, the Maine State Grange and the Maine Historical Society. We congratulate the Pierces on their receiving this honor and we commend them for all of their efforts in preserving the land and forests of our great State;

SLS 580

Sponsored by Senator HASTINGS of Oxford.
Cosponsored by Senator: NASS of York, Representative: SARTY of Denmark.

READ.

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

Senator **HASTINGS:** Thank you, Madame President and members of the Senate. It's a rare opportunity I think we have here in the Senate to recognize an individual or individuals who have won a national award. Joe and Kathleen Pierce were chosen as the nation's best tree farmers from among 87,000 family forest owners in the American Tree Farm system. We all see this system's signs on the side of the road, they promote the sustainability of forest land. Sustainability in forest land takes a long range view and I think the Pierce's certainly exemplify this. I've learned that their tree farm in the town of Baldwin, a portion of it has been in the Pierce family since 1785 when Josiah's namesake, Josiah Pierce then came to the Province of Maine to work with the town's namesake Loammi Baldwin. That speaks volumes for the dedication they have had to preserving Maine's forest land which we all know is so important to Maine's future. It is a special honor today to honor Mr. and Mrs. Pierce and I know that great great great grandfather Josiah would be proud as well. Thank you.

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

Senator **GOOLEY:** Thank you, Madame President. As a professional forester and tree farmer, and I guess I am one of 87,000 across the country, I too have applied for the outstanding tree farm award in Maine and three times I have come in second place. I was talking to Josiah just a few minutes ago and he said keep trying, but I'm starting to run out of steam. It surely is an honor to have the national award. This doesn't happen in Maine that often. I think maybe this is the third time over 50 years or something like that. So it's a real honor to have the Pierce's here today to receive recognition for their work. Thank you.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. It's not unusual in this state that we should have neighbors, and that's what they are to me, like the Pierce's. Not only are they successful tree farmers, but they are very active in their community. I encountered Josiah when I started attending board meetings for SAD 57 which Baldwin is part of as well as some of my towns and he's now chairman of the school board and has been in that capacity for a number of years. Madame President they are very active. They do a lot of good things and I think I also spent some time listening to Josiah when he was president of SWOAM for several years. We thank him for his activity and his family and for his success on this award. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. I would also like to add my congratulations to the Pierce's. I have been a tree farmer myself and together with my co-owner, my brother, back in 1988 we were the outstanding tree farm for Maine and New England and came fairly close to the national award but didn't quite make it to the national award which these folks today enjoy and are honored for. The Maine Tree Farm program is a terrific program for conservation of Maine forest land. It has taught thousands of individuals how to treat their land sustainably long before the word sustainable was fashionable here in Maine. I have also served on the board and as president of the board, chairman of the board, of the Maine Tree Foundation which is the sponsoring organization of the tree farm program and have had tremendously rewarding experiences with many of these outstanding tree farmers and they are to be congratulated for their hard work. I particularly congratulate the Pierce's today. Thank you.

PASSED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Josiah and Kathleen Pierce of Baldwin. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Equalize the Tax Burden for Education across Municipalities of the Lower Kennebec River Region Authorized To Form a Regional School Unit Pursuant to Private and Special Law 2007, Chapter 25"

H.P. 1412 L.D. 2028

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-912).**

Signed:

Senators:

- BOWMAN of York
- MITCHELL of Kennebec
- MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

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

Signed:

Representative:

FINCH of Fairfield

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-912)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-912) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1503 L.D. 2123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-868)**.

Signed:

Representatives:

FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-869)**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-869)** Report, in **NON-CONCURRENCE**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-869)** Report, in **NON-CONCURRENCE**.

Off Record Remarks

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco"

H.P. 1558 L.D. 2188

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-896)**.

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

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

HOGAN of Old Orchard Beach
CEBRA of Naples
THERIAULT of Madawaska
PEOPLES of Westbrook

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

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

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

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-896)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-896) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Implement the Recommendations of the Governor's Task Force on Passenger Rail Funding"

H.P. 1403 L.D. 2019

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-906)**.

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

MARLEY of Portland
MAZUREK of Rockland

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

Signed:

Representatives:

BROWNE of Vassalboro
FISHER of Brewer
ROSEN of Bucksport

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-906)**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

Six members of the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products" (EMERGENCY)

H.P. 1576 L.D. 2209

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
HOGAN of Old Orchard Beach
ROSEN of Bucksport

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-871)**.

Signed:

Representatives:

BROWNE of Vassalboro
MAZUREK of Rockland
THOMAS of Ripley
CEBRA of Naples
THERIAULT of Madawaska

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-872).**

Signed:

Representatives:

FISHER of Brewer
PEOPLES of Westbrook

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

Reports **READ.**

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT.**

Senate

Ought to Pass As Amended

Senator **BROMLEY** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Advance the Maine Economy"

S.P. 827 L.D. 2159

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-566).**

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

READ ONCE.

Committee Amendment "A" (S-566) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

Senator **BRANNIGAN** for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish a Statewide Protocol for the Early Detection and Treatment of Autism
S.P. 771 L.D. 1977

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-565).**

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

READ ONCE.

Committee Amendment "A" (S-565) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

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

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act Establishing an Outdoor Wood Boiler Fund"
S.P. 891 L.D. 2263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-567).**

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

READ ONCE.

Committee Amendment "A" (S-567) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development"

S.P. 885 L.D. 2255

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-561).**

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-562).**

Signed:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison
ADAMS of Portland

Reports **READ.**

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)** 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 TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)** Report.

ENACTORS

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

Act

An Act To Amend the Laws Regarding School Funding
S.P. 741 L.D. 1932
(CC "A" S-467; S "D" S-554)

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

ORDERS OF THE DAY

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

NOMINATION - of Justin Chenette of Saco for appointment to the State Board of Education

Tabled - April 7, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, April 7, 2008, Communication (S.C. 748) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#382)

YEAS: Senators: None

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

ABSENT: Senators: COURTNEY, PLOWMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Justin Chenette** of Saco for appointment to the State Board of Education 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 Justin Chenette of Saco. Would he please rise and receive the greetings of the Maine Senate.

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

NOMINATION - of Honor R. Wilkinson of Calais for appointment to the State Board of Education

Tabled - April 7, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, April 7, 2008, Communication (S.C. 749) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#383)

YEAS: Senators: None

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

ABSENT: Senators: COURTNEY, PLOWMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Honor R. Wilkinson** of Calais for appointment to the State Board of Education was **CONFIRMED**.

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

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

NOMINATION - of Frances R. Frost of Portland for appointment to the School Board of the Governor Baxter School for the Deaf

Tabled - April 7, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, April 7, 2008, Communication (S.C. 750) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#384)

YEAS: Senators: None

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

ABSENT: Senators: COURTNEY, PLOWMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Frances R. Frost** of Portland for appointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

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

NOMINATION - of Joan P. Nason of Bath for reappointment to the School Board of the Governor Baxter School for the Deaf

Tabled - April 7, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, April 7, 2008, Communication (S.C. 751) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#385)

YEAS: Senators: None

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

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

ABSENT: Senators: COURTNEY, PLOWMAN

ABSENT: Senators: PLOWMAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Joan P. Nason** of Bath for reappointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 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 **Maggie Hoyt** of Edgecomb for appointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

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

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

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

NOMINATION - of Maggie Hoyt of Edgecomb for appointment to the School Board of the Governor Baxter School for the Deaf

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Tabled - April 7, 2008, by Senator **MARTIN** of Aroostook

Bill "An Act To Ensure Ethical and Humane Dog Breeding in the State"

Pending - **CONSIDERATION**

H.P. 1394 L.D. 2010
(C "A" H-803)

(In Senate, April 7, 2008, Communication (S.C. 752) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803)**, in concurrence.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803) AS AMENDED BY HOUSE AMENDMENT "B" (H-924)** thereto, in **NON-CONCURRENCE**.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#386)

SENATE PAPERS

YEAS: Senators: None

Bill "An Act To Restore Benefits under the Circuitbreaker Program"

S.P. 921 L.D. 2305

Sponsored by Senator STRIMLING of Cumberland. Cosponsored by Representative FISCHER of Presque Isle and Senators: President EDMONDS of Cumberland, NASS of York, PERRY of Penobscot, ROTUNDO of Androscoggin, Representative: PIOTTI of Unity. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **TAXATION** suggested and ordered printed.

Senator **PERRY** of Penobscot moved to **REFER** to the Committee on **TAXATION**.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

H.P. 532 L.D. 701

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-788)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "B" (H-923)** thereto.

Report **READ**.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act To Update the Regional Greenhouse Gas Initiative"

H.P. 1381 L.D. 1945

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-768)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768) AS AMENDED BY HOUSE AMENDMENT "A" (H-932)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-768) **READ**.

House Amendment "A" (H-932) to Committee Amendment "A" (H-768) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-768) as Amended by House Amendment "A" (H-932) thereto, **ADOPTED**, in concurrence.

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

Senate

Pursuant to Joint Rule 309

From the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Residential and Commercial Energy Conservation"
S.P. 841 L.D. 2179

Which was received by the Secretary of the Senate on April 4, 2008, pursuant to Joint Rule 309.

Senator **BROMLEY** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

From the Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief"

S.P. 766 L.D. 1972

Which was received by the Secretary of the Senate on April 4, 2008, pursuant to Joint Rule 309.

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

Sent down for concurrence.

Ought to Pass As Amended

Senator **SCHNEIDER** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor

S.P. 904 L.D. 2275

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-568)**.

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

READ ONCE.

Committee Amendment "A" (S-568) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1663

JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, since 1871, Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of Maine's population at 120 locations throughout the State, and which now serves more than 121,000 Maine adults annually; and

WHEREAS, adult education programs based in the public school systems are uniquely positioned to provide adults with learning opportunities where they live in Maine; and

WHEREAS, adult education programs are vital to the economic development of Maine, providing high school completion programs and courses specifically designed to help educate the workforce and prepare Maine adults for success in college; and

WHEREAS, the areas of emphasis in adult education include:

1. Comprehensive adult education college transition programs, known as college transition programs, based upon collaboration with the Maine Compact for Higher Education, the Maine Community College System and the University of Maine System, that provide career guidance, an orientation to college and refresher and prerequisite classes for aspiring students. These programs are in place in 22 regions of Maine, and adult education services are also provided through other programs in the State. The goal is to increase the number of adults in Maine earning college degrees by 10,000 by 2020 through formal programs at more than 30 sites;

2. Direct service to more than 3,500 of Maine's dislocated workers from 100 companies during the past 5 years;

3. Literacy and English as a second language programs with 15,000 enrollments in 2007 and successful family literacy programs combining adult education, early childhood education and parenting instruction;

4. High school completion and GED programs, with 3,196 credentials awarded in Maine in 2007; and

5. Career preparation and upgrading courses for Maine workers, with more than 21,000 enrollments in 2007, and programs tailored specifically for Maine businesses, including the implementation of a work ready credential program for Maine employers focusing on soft skills for success in the workplace; and

WHEREAS, community education courses contribute to the quality of life in Maine communities. In 2007, Mainers from 18 to 96 years of age were given the opportunity to share talents and learn from others through those courses. In several regions, adult education programs are leading the way in developing the creative economy; and

WHEREAS, funding for adult education in Maine is a partnership that includes state subsidy, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to pause to acknowledge and applaud Maine's adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

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

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund the Universal Childhood Immunization Program"

H.P. 1603 L.D. 2242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-931)**.

Signed:

Senators:

- BRANNIGAN of Cumberland
- MARRACHÉ of Kennebec
- RAYE of Washington

Representatives:

- PERRY of Calais
- JONES of Mount Vernon
- MILLER of Somerville
- BEAUDOIN of Biddeford
- CONNOR of Kennebunk
- WALKER of Lincolnville
- CAMPBELL of Newfield
- LEWIN of Eliot
- FINLEY of Skowhegan

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

Signed:

Representative:

- GROSE of Woolwich

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-931)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-931) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Maine Regulatory Fairness Board" (EMERGENCY)

H.P. 1371 L.D. 1937

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-933)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-933)**.

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

READ ONCE.

Committee Amendment "A" (H-933) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Sunrise Review of Oral Health Care Issues"

H.P. 1643 L.D. 2277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-934)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-934)**.

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

READ ONCE.

Committee Amendment "A" (H-934) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens (EMERGENCY)

H.P. 1447 L.D. 2063

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-922)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-922)**.

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

READ ONCE.

Committee Amendment "A" (H-922) **READ** and **ADOPTED**, in concurrence.

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Children from Hazardous Lead-based Paint"
H.P. 1584 L.D. 2218

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-921)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-921)**.

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

READ ONCE.

Committee Amendment "A" (H-921) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 1649 L.D. 2287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-944)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-944)**.

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

READ ONCE.

Committee Amendment "A" (H-944) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Provide Tax Treatment Consistency for Limited Liability and S Corporations" (EMERGENCY)

H.P. 1433 L.D. 2049

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-919)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919)**.

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

READ ONCE.

Committee Amendment "A" (H-919) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2008-09 and To Require Notation of Tax Enhancement Programs Approved by the County Commissioners" (EMERGENCY)

H.P. 1613 L.D. 2251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-920)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-920)**.

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

READ ONCE.

Committee Amendment "A" (H-920) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Amend Motor Vehicle Laws"

H.P. 1459 L.D. 2075

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-913)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913)**.

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

READ ONCE.

Committee Amendment "A" (H-913) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System"

H.P. 1628 L.D. 2265

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-929)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929)**.

Report **READ**.

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

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

ENACTORS

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

Act

An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas

H.P. 1491 L.D. 2105
(C "A" H-874)

On motion by Senator **MARTIN** of Aroostook, **TABLED** Unassigned, pending **ENACTMENT**, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System"

H.P. 1628 L.D. 2265

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-929)**.

Tabled - April 7, 2008, by Senator **WESTON** of Waldo

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

(In House, April 7, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929)**.)

(In Senate, April 7, 2008, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-929) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (1/2/08) Assigned matter:

Bill "An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers"

S.P. 424 L.D. 1223

Tabled - January 2, 2008, by Senator **STRIMLING** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "B" (S-392)**

(In Senate, January 2, 2008, Report **READ** and **ACCEPTED**. **READ ONCE.** Committee Amendment "B" (S-392) **READ**.)

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

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

Senator **STRIMLING:** Thank you, Madame President. I rise just briefly to remind people that it was quite a while ago when we first started discussing this, January 2 as a matter of fact. It's been a few months and just to remind folks, basically in our retirement system right now for our state employees and our corrections officers and our mental health workers, as you know there are many different systems that we have in place. If you've got 25 years, if you're 55 years old, different systems in place for different workers who are working next to each other in our corrections system, in our criminal justice system and in our jails and in our prisons and our mental health workers. What this does is to try to create a uniform system so that everybody is working under the same guidelines. This came out of a unanimous commission. Democrats and Republicans were on the commission and said this is the best way to do this. Create this uniform system, it then went to committee and was then unanimous out of committee again, last year actually, and then this body voted unanimously in favor of it. Just as a reminder to give some of the history. What it does is basically funds it. There is a fiscal note to it but it only gets funded through the cascade. It only gets funded if and when we possibly have the money down the road. There is no impact unless times get a lot better and it's

at the end of the cascade because we know there are all kinds of other cascades that are before it. This was really an issue where everybody who has looked at it has said yes, this system is a real problem. We have workers in this state who are working side by side with somebody else who gets a different retirement plan and we need to make sure that we bring them all together. This was the only way that we could figure to fund it. Obviously there is no money available in this current biennium and we figured the only way we were going to be able to do this down the road is if we put it in the cascade. Again, this was a unanimous committee report and it was unanimously passed through both bodies. It would go to the appropriations table and they can make a decision about whether this is something that we should put on the cascade or not. Thank you.

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? I understand the good Senator from Cumberland, Senator Strimling's explanation very well. I don't recall the size of the fiscal note associated with this pending legislation. If I could be reminded it would be helpful. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Turner, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I can't remember but suffice it to say there were at least seven zeros. I mean I think it was in the ballpark, and forgive me for not knowing, but we had a couple of different variations and I can pull up the fiscal note if people want me to get there more quickly, but I think it was around \$8 million to \$15 million. I think. It may have been \$30 million over the entire biennium.

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

Senator **MILLS:** Thank you, Madame President. The fiscal note reflects that there is \$12.7 million attributable in the UAL to mental health workers, another \$18.3 million attributable to corrections employees. It goes on to say that the normal cost will increase the payroll percentage rate on mental health workers from 5.75% to 6.5%. There is no increase in the normal cost for corrections employees because they are already in the plan. I'm a little confused about why there is a UAL component to corrections workers if they are already in the plan. I'm having trouble understanding the fiscal note. If anyone can help me?

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

Senator **TURNER:** Thank you, Madame President. I was just thinking about the response given by the Senator from Cumberland, Senator Strimling, about the seven zeros. Of course that is real money if you are in Maine, but if you're in Congress it's a piddling amount.

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

Senator **STRIMLING**: Thank you, Madame President. I will be sure to try and send some down your way.

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

Senator **NASS**: Thank you, Madame President, ladies and gentlemen of the Senate. Because it's been so long this is confusing to a lot of us, but my recollection is years ago when we set up the special retirement plans they were primarily involving people who were carrying a gun. I don't know how else to characterize it. I don't know where we are now. I hope mental health workers aren't carrying guns. Corrections people, I don't think they do. There may be reasons and I just don't understand what they are. I do remember though that the last time we looked at this, as you look at salaries and costs of benefits, just to give you some sense of what these special plans cost us because of our large unfunded liability that the people who are carrying guns and therefore are eligible, the cost of benefits is 110% of their salary, and this was a few years ago. If the industry average in the private sector is 30% or 40%, and that's on the high side for benefits, then we have people, gun totes generally, whose benefits cost us that much because of our large unfunded liability. I guess, Madame President, my question to anyone who can answer this is who is being added to the special plan with this and for what reason?

THE PRESIDENT: The Senator from York, Senator Nass, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: Thank you, Madame President. Thank you for reminding me of that. This is the special plan that was designed for folks who are little bit more in danger in the line of duty and that's why we brought corrections workers in. Those of you who have been in our prisons know that is a very rough job and those folks, for sure, are putting their lives on the line additionally with many mental health workers who are going into people's homes. It is a very high burnout, a very difficult job. We had quite a bit of testimony in the committee and both sides were supportive of each being brought in because of the level of difficulty within the jobs and that's why they were brought in. Again I would just re-emphasize, and I know it was a year ago when we did this before, that there is, and I think some of our confusion may be because we are so far away from it, in our hearings in the committee in the commission it was very clear that everybody wanted to do this. The only issue really was how to fund it. Do we have the money to do it? The only way we could see as a responsible way to do it, at least putting it on the table, was to go to the cascade. I'm sure that my good colleague from the committee who was there as well can talk about that. That issue was clear, we need to solve this problem. We have real difficulty in our system when one person is working right next to another person and they have different retirement systems in place. This fixes that. The only issue is the funding and how to do that. That's why we sent it to appropriations and let them figure out whether the cascade works or not. If it doesn't then we try to find another way or we bring it back in the next legislative session.

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

Senator **MARTIN**: Thank you, Madame President. Just to maybe respond to some of the questions that have been posed, the special plan was created a number of years ago, which brings in the fire marshal, oil and hazardous employees of the Department of Environmental Protection, capital security and the purpose of this amendment that is before us is to bring in employees of the Department of Health and Human Services, as of January 1, 2000 who are employed in mental health institutions and who provide direct care to patients. They would then be brought in to the special plan and that's the cost that is being accrued here. It would also be retroactive so the UAL cost is what the cost is for those who would be retroactive. So you are aware of where the cost is going to be. Thank you.

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

Senator **PLOWMAN**: Thank you, Madame President. May I pose a question through the Chair? To anyone who might answer, the fiscal note refers to transfers into and out of the retirement fund starting in 2004. Would we be standing here if this had been an account that had been left alone? Would we not have to be looking at this kind of money?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS**: Thank you, Madame President. I too would like to pose a question through the Chair to anyone who can answer. If I understand this, these employees would begin making a contribution at this point. The benefit itself would not become available until this other funding that we are talking about out of the cascade takes place at perhaps some later date. What happens to their contributions should we be unable to fund this in the future? Morally, should we be asking them to put part of their pay into this reserve account when we are apparently unable to fund the state's share of that program at this time? That's my question.

THE PRESIDENT: The Senator from Oxford, Senator Hastings, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: Thank you, Madame President. In response to the question yes, they actually offered to pay some portion of this to do their part, as the fire fighters did, and it's going to end up the same way. Yes, the money would sit there and if it ended up not being funded then it would just go back. Thank you.

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

Senator **MILLS**: Thank you, Madame President, men and women of the Senate. This 1998 special plan has a long and unfortunate history. I was a member of the Labor Committee in 1998, along

with Representative Roland Sampson, and he and I, probably more than others, were responsible for dreaming this thing up. It was created because at the time when there had been an effort to unify all pension systems across the board we were mindful of the fact that the Maine state police could get into a retirement system, graduate into retirement after completing 25 years of service and then be 55 years old, whichever comes sooner. The wardens made the point that they were running around in the woods, chasing after drunken snowmobilers and lost children and could make a case that they too should not be required to hang in until age 62. So we created the 1998 special plan with the idea of matching what the Maine state police already had the benefit of, because they were in a separate union and they had their own separate appeal to the legislature and had earlier been successful in getting themselves into an age 55 retirement system. So we took a look at the other people who were toting guns and we created this 1998 special plan with the idea that the Maine state police would have company in a common plan and we put in the wardens, marine wardens and some other law enforcement categories with the idea in mind that it would truly be a special plan for people who have the physical demands of a job that truly required that they stay in service. Since then we have been witness to a process of almost continuing erosion. The first thing that happened is the Maine state police said that this special plan wasn't special enough for them and they got in here and got themselves a 25-and-out pension system, over my rather vigorous objections. Having gotten it the wardens said, "What are we? Chopped liver?" They got into the cascade and they got themselves a 25-and-out pension system. Bear in mind the difference is you don't have to wait until age 55 if you were a warden or a Maine state police officer anymore. The cost of paying for this pension system is some major fraction of payroll. I can't cite it to you off the top of my head, but it's 30% or 40% of payroll. It's big. So that left us wondering who's in the special plan anymore? Well there were lots of takers. You can make a case for kindergarten teachers. They should be in this plan. Why should they have to teach little kids and sit on the floor with them at age 56? I'm not being funny. These arguments have been made and frankly they have some legitimacy. There are frontline workers at the Department of Health and Human Services who make the claim, rather legitimately, that they are burned out at 40. Now today we have the mental health workers who do deal physically with some troublesome people.

Then you have this other issue that has cropped up continually and that is what happens if the mental health worker becomes a supervisor and doesn't have to manhandle patients any more? Have we created an incentive not to advance in employment? It's the same for the police by the way, or the warden's service. What happens when you become a supervisor and you graduate to a desk job and you don't have to hit the trails as often? We have this in the prison system. So I'm very leery, frankly, of constantly expanding the scope of this special plan and the extraordinary costs of managing it. What it means, in essence, is this, if you want to retire at age 55 instead of age 62 you can do so with no early retirement penalty. That's a seven year advantage over your peers. What does it mean? It means you don't have to pay the 6% per year that everybody else has to pay. In other words you can retire on a pension that is 42% greater per annum than the pension system that your peers in other lines of state employment, or teaching, are entitled to. It's a significant and very costly benefit. It seems to me that if these kinds of benefits are going to be handed out then the atmosphere

that we are now living in, under the circumstances of fiscal constraint that we have been witness to in recent years, that at the very least there should be a substantial contribution from the employees who are benefited by these plans. There is some, I see here, toward funding the UAL, but I don't gather from the fiscal note that it's ongoing. All of this tension over the special plans illustrates that our current pension system is not a good system. I've come to believe that it needs to go and that we need a brand new system for new hires. That's beyond the topic of today's discussion certainly, but I think that it's not the right time to begin expanding these benefits into still further categories because it's the camel's nose under the tent. We sort of knew that back in 1998, Representative Sampson and I, but we did it with some trepidation and all of the fears that I think we shared about this plan have now come to fruition.

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

Senator **GOOLEY:** Thank you, Madame President. I just want to add a few remarks about the amendment which does say regardless of when that service was earned it will increase the normal cost component of the employer retirement rate, resulting in increased employer contributions to the Maine State Retirement System and will increase the unfunded liability of the retirement system. At the same time state employees have 100% of their health care paid as a fringe benefit and in the next couple of weeks we are going to be dealing with the cliff and that's going to be a contentious discussion, we all know that. The unfunded liability becomes a concern for me and yes I am a retired state employee and yes I am a forester and I used to be on snowshoes out in the woods when it was zero or below. It was cold but I just kind of accepted it as something that went with the job. All I can say is that all jobs, even teachers, and teachers talk to us all of the time, have stressful jobs. There are all kinds of stressful jobs out there and a lot of these employees would like to have the benefits of what we are talking about here. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Chamber. This is a left over bill and regardless of how the votes came out of committee, as you learn more and more about the bill you begin to realize what it's really about. I think the idea that struck home to me more than any other was that originally this special plan was known as the gun-toter's bill. The plan was designed for those that had very stressful jobs and because they had very stressful jobs they had a special retirement plan and benefits. The question is who do we want to give this plan to and how far do we want to expand it? How is it going to be paid for? It's going to be paid for by increased employee contributions, that's number one. It's going to increase the unfunded actuarial liability though and that's going to cost everybody in the state of Maine extra money over time. It's going to get paid for out of the cascade money after all the rest of the cascade items take their priority cut if there is a cascade leftover, which we know there isn't one right now and there probably won't be one in the near future at all. So these people are going to be contributing to a plan that won't exist for quite some time. Eventually somebody is going to come up with the idea that we have to fulfill the plan and somebody will bring forth a

recommendation to dump a bunch of money into it from someplace. Probably the general fund, which we know is tight and will remain tight. To me this plan is too broad. It allows too many people in. On a comparative basis of state jobs versus private industry we can't retire at 55. We don't have the benefits. Even though many of our jobs are also very stressful. Actually I have a person right behind me that's sitting there whose job is very stressful, she has to do her job, my job, and the store manager's job but she's not going to get any special benefits out of anything except her own hard work. Therefore I'm going to vote against this bill and if a roll call hasn't been asked for I would ask for one now. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. When these issues come before us it's always very, very difficult, especially given our financial constraints at this time and probably well into the future. I'm always just struggling with these issues. I think, at least for myself, what has run through my mind is the work of the commission. We sent these people out to do an exploration of how to address these situations, they come back with a unanimous bipartisan commission report, then it goes to the committee and the committee vets this issue and then they have a unanimous report, so then it comes to us and we have the ability to just shoot down all of that previous work where they had discussions in depth on these issues. So I don't think we have the money for this, and I'm going to be very honest and want this on the record that I don't think the money is there and I think the workers should know that, however it also is important to me to support the work of the commission and support the work of the committee. That's a huge process that this bill has gone through over a great deal of time, much more time than I have had to vet this issue. Can we afford this? I don't believe we can, so I want that to be known but in support of these workers and for the incredible amount of difficulty that they have in their jobs I'm here today to stand in favor of the motion and those are my reasons. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. In listening to this debate, such as it is, the thing that has struck me is it has never been mentioned in this whole debate over the last hour or so where's the responsibility of those individuals to put something aside for themselves? We have a low savings rate in this country, one of the lowest ever. If you're putting \$100 a month away beginning when you were employed, watch that grow and I don't think we would be having this debate. There are some folks who have done that. I was in Presque Isle yesterday and talked to a gentleman who is employed by the state and he really doesn't want to go out at age 62, he's going to last as long as he can, but he said he's well set because he had been putting money aside for a number of years and again I do not see, we are not dealing with children here, these are adults, many with degrees. Are you saving some of your own money? When you were hired on you knew what the odds were as to when you could retire and should retire.

One last comment, if I may. We've been talking about the growth of people on this plan, the Secretary of State came before the Criminal Justice committee I believe last year and wanted to add drivers license examiners to this plan. Of course the first thing you do is snicker a little bit because they are riding around with teenagers and have to protect themselves, but he said they go out and take licenses away here and there and it's a very stressful circumstance for them. He didn't cite any examples where a drivers license examiner in the Secretary of State's office was involved with anyone, so I just cite that with an example of what goes along with exactly what the Senator from Somerset, Senator Mills, was talking about. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "B" (S-392). 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 (#387)

YEAS: Senators: BARTLETT, BOWMAN, BROMLEY, BRYANT, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, **ADOPTION** of Committee Amendment "B" (S-392), **FAILED**.

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/5/08) Assigned matter:

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

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

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

Tabled - March 5, 2008, by Senator **STRIMLING** of Cumberland

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

(In House, March 4, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640).**)

(In Senate, March 5, 2008, Reports **READ.**)

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

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the chamber. This bill has the potential to increase the expenses of the Department of Transportation, according to my notes, up to \$10.5 million of money they won't have in order to do needed highway repairs. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. Just to clarify what this bill does for those who don't know prevailing wage issues, it is try to make sure the workers of Maine get paid what their work is worth. There are two rates they can go, the state rate or the federal rate. What this is basically saying is whichever rate is higher is the one that we should be moving forward with, what we should be paying our workers. I think we all know in these economic times people are struggling out there. People can barely make ends meet. As the gap gets wider and wider between the super rich and everybody else it becomes harder for Maine families to heat their homes. It becomes harder for Maine families to put their kids through college. It becomes harder for Maine families to find a way to retire. What this bill does is make sure we pay people what we should pay them so they can support their families. We're not talking about some outrageous wages. We are talking about middle class wages. The kinds of jobs that we all recognize are vital to sustaining our economy. The kinds of middle class jobs that really built this country in the last 100 years. Back in the '50's and '60's when folks were paid a reasonable wage for doing the work that the public demanded be done, building our roads, building our bridges, building our schools. This is doing work for all of us and they should be paid enough so they can support their families on those wages. What this bill does is say let's pay them that wage so they can then go spend the money in the economy so that it can flow throughout and everyone can do better and prosper. Madame President, I encourage all of my colleagues to support this bill because it will support the people of Maine and strengthen our economy over and over again. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. What I heard from my people were,

'please fix the roads. We're tired of having bent rims and busted tires. We're tired of replacing our mufflers. We're tired of taking the long way around because gas costs so much. We're tired of having to cut down on what our family gets to do and what we can do because of what's going on with the roads.' That's what they told me first. They said let's make sure we take care of the roads of the state of Maine. When the fiscal note reads as follows, 'Highway construction projects will need to be deferred or delayed to compensate for these wages.' In addition Department of Defense, Veterans and Emergency Management is going to have to put off their projects too. That's not what the people of the state of Maine have been saying for the last two years. They didn't say, 'Go down to Labor and see how you can drive up the cost of business in the state of Maine.' They said, 'Take care of our roads.' I hope that you will keep that in mind when you vote. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling 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 (#388)

YEAS: Senators: BRYANT, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

3 Senators having voted in the affirmative and 32 Senators having voted in the negative, the motion by motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED.**

On motion by Senator **MARTIN** of Aroostook, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/13/08) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Ensure Fair Wages"

S.P. 604 L.D. 1697

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-452)** (8 members)

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

Tabled - March 13, 2008, by Senator **STRIMLING** of Cumberland

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

(In Senate, March 13, 2008, Reports **READ**.)

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

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

Senator **STRIMLING:** Thank you, Madame President. As everyone knows this is a bill dealing with the minimum wage. I won't speak about the specifics but on your desk there is an amendment that will be coming to this after we hopefully pass first reading. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling 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 (#389)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-452) **READ**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President. Just quickly to outline this amendment, what this does is basically shoots down the bill that we just moved through that would have raised the minimum wage \$1. This cuts that in half to fifty cents, twenty-five cents the first year and twenty-five cents the second year and takes out the indexing that was in the original bill so there will not be an automatic adjustment to the minimum wage. To give it some context, just to recognize the importance of doing this is that as of next fall we will have the lowest minimum wage in all of New England. New Hampshire will have surpassed us if you can believe it. So the first twenty-five cents is making sure that we are at the same level as New Hampshire and the second twenty-five cents is a year after that to continue in the process of getting us competitive with the rest of New England because the rest of New England will still be above that at that point and New Hampshire may indeed put in another minimum wage increase. They have a bill going through now, so this bill is twenty-five cents a year to get us to what New Hampshire has. Thank you.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452).

Off Record Remarks

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

HOUSE REPORTS -from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds" H.P. 1159 L.D. 1650

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-851)** (8 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-852)** (1 member)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - April 2, 2008, by Senator **NUTTING** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**, in concurrence

(In House, April 2, 2008, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851) AS AMENDED BY HOUSE AMENDMENT "A" (H-887)** thereto.)

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

On motion by Senator **NUTTING** of Androscoggin, Report "**A**", **ought to pass as amended by committee amendment "A" (H-851) accepted**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-851) **READ.**

House Amendment "A" (H-887) to Committee Amendment "A" (H-851) **READ.**

Senator **NUTTING** of Androscoggin moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-887) to Committee Amendment "A" (H-851), in **NON-CONCURRENCE.**

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. This bill we carried over from last year to this year in our committee. We had either seven or eight work sessions on this issue and much debate. It's a very contentious issue, the relationship between farmers using this newly approved technology and those that don't. For much of that time we did charge a working group of all interested parties to go out and to meet and to see what they could agree on. The Majority Report, which we have adopted, does outline what the people could agree on and I want to just very quickly go over what is contained in House Amendment 851. It defines what is genetically engineered. It defines what is a technology use agreement, which is an agreement between a farmer and a company that is manufacturing this new technology. Three very important things were agreed on that I want to point out briefly. On the bottom of the first page of this amendment it says that if a genetically engineered product in which a manufacturer has rights is possessed by a farmer or found on the property owned or occupied by the farmer and the presence of this product is either de minimus or not intended by the farmer, the farmer is not liable for breach of a seed contract. That's from the first in the nation language that worked out, I think very properly. That if you don't purchase genetically engineered seeds you're not responsible if some of the pollen blows over on you and all of a sudden you've got some of our genetics in your seed that you might save.

The second thing we agreed on and I think is huge and good is an infringement case brought against a grower who does not have a current technology use agreement with a manufacturer must be brought in a venue where the farmer resides. In some other states and in Canada they've made farmers travel to Missouri to try every single case. So we have clarified that as well. We also charge the department with adopting rules to establish best management practices to maintain the integrity of crops and minimize potential conflict between farmers and they are well on their way to having a brochure ready to make sure that farmers that are choosing to use this new genetically engineered technology and those that don't, be it organic or conventional, get along and one crop doesn't adversely affect the other. Also, the Board of Pesticide Control two months ago voted, again first in the nation language and policy, that if I am going to plant a genetically engineered crop, corn is the first one approved for use in Maine, that I have to plant 500 feet of buffer strip of non-genetically engineered crop in between if asked to do so by my neighbor who does not want to plant that crop. Again

this Board of Pesticide Control decision is shocking to some but I think they had two years of testimony, public hearings and debates on the issue as well and I think that is going to go a long ways towards minimizing or eliminating the conflict between these two potential groups of farmers. The other reason I moved Indefinite Postponement of the House Amendment, I have distributed on your desks, hopefully it has made its way around, the 2001 statute that the good former Senator Kilkelly and I and many others worked so hard on. On record keeping, number two, I just want to read into the record, and this has been statute since 2001. 'A manufacturer or seed dealer shall permit the commissioner to inspect the list when requested to facilitate an investigation into a claim of cross contamination.' This is requiring the seed dealers and manufacturers to keep for two years a confidential list of who has purchased what in Maine and if there is a conflict the Department of Agriculture, under current statute, has the ability to go to the seed dealer or seed manufacturer and find out did Mr. Smith really buy X that could have contaminated his neighbor's crop? So that information is available. Since 2001 there has not been one claim of cross contamination in Maine. There may be more in the future if more people adopt this new technology. That's why a majority of the committee decided not to support the position of one of our members which is contained in the House Amendment. The House Amendment wants the manufacturers to make public aggregate data on which particular crops were sold to Maine. There may be 600 acres planted of crop X, that type of information they want released. The fear of the agriculture community is that if very few farmers purchase these products initially, even aggregate data could be used to try to say, 'Well probably this particular farmer has planted it.' That's the fear in the industry. If we have all of a sudden several cases of conflict this coming growing season, if the snow ever melts, then the committee felt that in January, just a few months from now, we can look at this whole reporting and see if the 2001 statute is not sufficient. At least the majority of us felt that the statute before us, both the majority report plus the 2001 statute would be very sufficient to make sure both different groups of farmers got along without one's crop adversely affecting another one's crop. With that I would close my arguments. 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. As the good Senator from Androscoggin, Senator Nutting, has said, much work has gone into this bill and it's a good bill and we will have the opportunity soon to act on it. I do rise however to oppose the motion for Indefinite Postponement for Amendment "A". The Amendment contains only a reporting requirement for very general information. It requires that the potential total acreage for genetically engineered seed sold for use in Maine be recorded. As the good Senator from Androscoggin, Senator Nutting, has already said current law requires manufacturers or seed dealers of genetically engineered seeds to keep records of the name and address of persons they sold seed to. It does allow the commissioner of agriculture to inspect those records to facilitate an investigation of cross contamination, however that information is not available to anyone else. I just feel very strongly that a basic level of information is needed to allow the department, as well as policy makers in the legislature, to make informed policy decisions. We

need to know what is coming into the state and what is being sold in the state. Over the weekend I received an email from a lobbyist asking me not to support this amendment and in passing he mentioned to me the total acreage in different parts of the state in which you can find genetically engineered crops. My reaction to that email was that if the lobbyist has this information why can't I and why can't policy makers who need to make decisions about the state's future? I ask you to vote against Indefinite Postponement of this amendment. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President. I rise to join my agriculture chair, the Senator from Androscoggin, Senator Nutting, on this bill. Nearly everything he said I agree with and I think I want to re-emphasize some of it, so it's old ground. The organic folk and the, I call them normal agriculture guys, but that's a pejorative, call it commercial agriculture or whatever you want, sat down long and hard and negotiated as to how far you could go and where you could go. Some of the quote unquote dangers of genetically engineered food and there is also genetically modified, if someone really wants to see the difference. So what we came to on the committee, after listening to these two groups negotiate between them, was the original eleven to one to one report, or eight to one to one report. That was hammered out after long and hard negotiations. People walked out. People got angry. You have a difference of philosophy, so to speak, if you talk organics, and there is more than one organic. Some of it is just practices and how you deal with the growing of food, and there are some benefits I'm sure. I guess the point that I came to on the reporting issue, this has happened in other states, this ends up being a lawsuit. This type of reporting that's come out of the House is a setup for that. Nebraska is one of those. I talked to a farmer in Nebraska by phone, he said the same sort of thing has been promoted in his state. It's really after Monsanto. Whether you like Monsanto or not, they are a great provider of some of these genetically engineered foods. I don't think we have heard of the green revolution over time. If we didn't have the green revolution there would be people starving on this planet with rice and some of those things that have doubled and tripled the amount of tonnage per acre.

I would like to comment about the amendment put on in the House. This wasn't vetted before the committee basically. Some of you may have been lobbied by individuals in the hall. I happened to overhear some of the lobbying and stood there deliberately to listen to it and I won't characterize it other than to say that should have been done before the committee. We know things can change at the last minute but this is an astounding change. I too have an amendment that's not appeared on your desk and I would rather not offer that. What this amounts to, when we are talking law suits, if that's what you are talking about, it's not my amendment I am talking about, it's this issue here, that you have to have best management practices. That's already in place. All this might ask is the other side might take a look at best management practices also, which they particularly did not care to listen to during some of the discussion. I will let it go at that. 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 will be very, very brief. The only thing that I forgot to mention before that's had a huge effect on the agricultural community was, I think it was three years ago, some group, we are not sure who, discovered that the University of Maine had planted, as they legally had the right to do, an experimental genetic engineered crop of corn. They were attempting to measure how far wind would drift the pollen. This type of experiment was ongoing at university farms all over the country. Some group found out about this and went in and cut the crop down. That was one of the reasons why I sponsored an environmental terrorism bill that passed last year. The agriculture community is very, very apprehensive about any information being released that in any way might be able to have some group unfortunately think that a particular farmer might be planting such and such a crop because of the unfortunate actions that happened at the university farm a few years ago. 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. I'm rising in opposition to the pending motion and I am because as I look at the amendment that has come to us from the House the most substantial thing that I can see in it, and the benefit that I can see in it is that it provides information. It provides data. It provides the potential number of acres that could be planted. Not who planted them. Not any of the proprietary information. Not how they tilled their soil or where they grazed their cows for that matter. It just talks about how much land could have been planted in Maine with the purchase of these seeds. I think that's information that I want and you should want as policy makers. I think that's information that our Maine citizens would like to have if they are interested in this issue at all. Because if it's okay to try to fool Mother Nature with regards to these seeds, and I'm not debating whether it is or it isn't, then at least we should know what the ramifications could be. I have got to tell you, standing here and trying to argue this particular agricultural bill and my background in marine resources seems to be out of whack. It really isn't because there are a number of people and a number of initiatives that are trying to collect data, or trying to require that data be collected with regards to the harvesting of our marine resources, and they do that so that we can better manage them. It's not an easy process because people don't like to have to fill out those forms and to find out what it is that they are harvesting and how much of it they are harvesting. It can become a little bit invasive at times, but I don't see this as being that way. It's a general sense, how many seeds did we sell and how much acreage could be planted if we planted all of those seeds? That's an important first step and therein lies the reason why I'll have to disagree with my good friend and colleague from Androscoggin, Senator Nutting, and be opposing this motion. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President. The issue that we probably don't want to prolong very long around the reporting is two things. We aren't allowed to use props but I have something laying on my desk called commercial vegetable seed. I'm not holding it up. On it is a warning that says sweet corn,

onions and everything known to mankind and womankind, there is a yellow warning label in there and it has a number of things but basically one of it says that we don't want to be sued and without some sort of standard, there are only two states, Vermont has this reporting requirement, it really just opens it up for a suit frankly. They mention specifically Vermont and Maine that they will not ship seeds to. These seed catalogs grow a small amount in total agriculture across the nation and I'm sure some people are going to have a hard time getting some of the varieties. Sweet corn is one of these in here that you see on the roadsides in roadside stands. The other issue, to the Senator from Hancock, Senator Damon's point, if I'm going to be sued and I have planted some sort of genetically modified, there are two categories to this and you don't want to hear it but I want to know that person who is suing me has the organic, what did you plant? What seeds did you put in the ground and for that I want to see your plan, I want to see your buffers, because when you buy some of these genetically altered, which is a shorthand way of speaking about it, there's a tolerance allowed even in organics. They aren't quote unquote pure and wonderful. I think these are planted in France and I think there is about 1% or less of other ingredients allowed in organic seed. If you want to sue me have fun at it because you can find lawyers to do that obviously, but I want to know what you planted. I want to know what your buffers were. Then we will go to court and you will say you planted 100% pure seed and I will say well you found some of my Bt corn in there, but that has been resisted. There is an old saying, what is good for the goose is good for the gander and I think that's the part of the reporting that bothers me because it opens you up. I don't plant the stuff. Sherman planted X over here, I found X in my seed so he is liable. Well tell me what you had when you planted the seed, when the organics planted the seed. To me that's the issue. They want it one way. Thank you.

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

Senator **GOOLEY:** Thank you, Madame President. The liability question really bothers me on this particular issue. I happen to agree with the Senator from Aroostook, Senator Sherman, on that point. I'm not sure what other states might be doing on this issue. Are we concerned about what other states are doing on this issue? If we proceed will it mean that we have to have more state employees on the payroll to work on such a program? Lastly, it would seem to me that all life on this earth is somewhat genetically engineered. Thank you.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **INDEFINITELY POSTPONE** House Amendment "A" (H-887) to Committee Amendment "A" (H-851), in **NON-CONCURRENCE**, **PREVAILED**.

Committee Amendment "A" (H-851) **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Strengthen Maine's Consumer Protections against 'Slamming'"

H.P. 1632 L.D. 2269

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-893)**

Tabled - April 4, 2008, by Senator **BARTLETT** of Cumberland

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

(In House, April 4, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**.)

(In Senate, April 4, 2008, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-893) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "A" (S-569) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AND SENATE AMENDMENT "A" (S-569), in **NON-CONCURRENCE**

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Make Minor Substantive Changes to the Tax Laws" H.P. 1531 L.D. 2151

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-854)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-855)** (5 members)

Tabled - April 4, 2008, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** Report, in concurrence

(In House, April 2, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854).**)

(In Senate, April 4, 2008, Reports **READ**.)

On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-854) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **NASS** of York, Senate Amendment "A" (S-537) **READ.**

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. I speak to an amendment here which was essentially the minority report. This was an unusual debate because typically minor substantive changes to the tax laws is something the committee does every year. There is a companion bill with even smaller changes. There is a long list of these things. So this year this bill comes along and there are two major items of concern. One was a request by Maine Revenue Services to institute a sampling program and both the majority and the minority of the tax committee agreed to eliminate that section, so that's not under consideration today. It was an agreed upon removal from this bill. What I'm talking about today, as you can see from the amendment, is asking to strike sections 23 through 28. Those sections are about the estate tax. A much maligned concern, especially in the state of Maine, over the years since we have not conformed to the changes the federal government made several years ago. Just by way of background, Madame President, I have been here long enough to remember a well regarded state tax assessor, I think we call him the Executive Director of Maine Revenue Services now, and he advised us collectively, the legislature, in writing at great length to conform with the federal government. It was at the time when we had lots of opportunities to not conform. The proposed federal changes were controversial and very political so there were a lot of opportunities to not conform and in fact subsequent to his service here we did not conform with the federal government in many places. Over the years we have fixed most of those things. The one big one that we haven't, there are others, but the most controversial one we haven't done anything about is the estate tax. For good reason, it's very expensive, \$80 million or \$90 million were some of the fiscal notes that I remember. This amendment is not about conforming, I only mentioned that because we had not conformed. Tony's advice at the time was you are going to pay a penalty if you don't conform. It's come to pass today and that's what we are going to talk about. It's expensive administratively not to conform and it creeps up on

you. It creeps up on you like some other public policy decisions we have made. So today we have a proposal in this relatively minor substantive changes bill and I would contend that the department is attempting to reach out into a place that is going to effect your constituents substantially because we don't conform. They are contending, basically, that the Internal Revenue Service is doing a bad job about estates and about taxing estates, that they don't have any presence in Maine, that they are leaving property out. Real property is the one thing that was discussed. They provided us with a list of five different pieces of property that were left out of estate functions, or filings, in the state of Maine. That may be the case. I think, again by way of background, you have to know that in the estate tax the federal government has the biggest boat in the water here. In other words they are going to collect a lot more money on an estate than the state of Maine is, even under our status of nonconformity at this point. It's hard for me to believe that they aren't interested and they aren't paying attention and they don't have the ability, the technical ability, to properly tax an estate. They have been doing it for years. Maine Revenue Services has asked for, in this proposal, the ability to go beyond what is the standard and has been the standard for a long time. When an estate is created or somebody dies you have about nine months to file with the federal government. Depending on how difficult the estate is, whether there are businesses involved, I would use the art work, the stamp collection, the coin collection problems where value has to be established on these things, but it can be pretty complicated and go on for a while. It can also be quite simple and be done within months of this filing, nine months. In the difficult cases what you are seeing, and I would contend the difficult cases are establishing the value, establishing value of real property is fairly standard. There is a lot of real property that is sold in the state, there is a big market for it, there is lots of activity. As you get into businesses and other collections the value and assessing the value gets to be difficult and expensive. The department is asking for the ability to go beyond the point that the federal government issues a closing letter. That has always been the standard. Once you got the closing letter, no matter how difficult your estate has been, things are ended for you and your family. The estate is for all practical purposes closed and you can go on with your life. You can sell the business, you can sell the stamp collection, you can sell the house without worrying about a tax issue coming up. The Maine Revenue Service has asked us in these sections to go beyond the closing letter to continue to examine, audit and challenge. I would contend, and we actually tried to negotiate this with the department, we tried to say if in fact you can find a piece of real property, that's the summer camp, we are talking about an estate, somebody lives out of state, if the summer camp was missing or the house on the ocean was missing from your federal examination of this estate we agree that you should be able to go back and include that. They did not want that. They wanted the full boat here. They wanted to be able to get into areas which I don't believe is going to serve our constituents very well. We are talking about tying the family up now, you're talking about disputes, about the value of a business, which is difficult under any circumstance and is constantly changing over a period of three years, or more, until it's resolved, at a cost that is very expensive. These appraisals and assessments do not come cheap and are greatly in dispute. You can find an expert on your stamp collection that disagrees with somebody else's expert pretty readily. So for those reasons, Madame President, we have

disagreed and have said to the department we do not want to give you this power. Thank you.

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

Senator **HASTINGS:** Thank you, Madame President and members of the Senate. We are dealing with a bill to make minor substantive changes and perhaps the fact that we have to talk about this maybe says that maybe this is not a minor substantive change that should be done this way. We deal with the errors and omissions bill upstairs in Judiciary and we run the same type of thing. By the way, if you are looking for something to do one of these afternoons we would love to have you come up and sit in. It's fascinating, riveting work. This bill is all about, and it's a simple little concept and I think the state has got a point, they are concerned about property that is not being reported on the federal estate tax return. The camp in Maine by some non-resident, they forgot to put it in the tax return and they miss it. They overkilled here. I'm going to explain what this will do to the settlement of estates in Maine. We have all heard the story probate takes forever. It used to be that way. We've gotten better at it lately, now it's much quicker but we are just taking a giant step backwards here in a way that is probably unnecessary. Up until now the law has said that State Revenue Services is bound by the valuations made by the IRS in the federal estate tax return. If you file a federal estate tax return you file all these valuations and appraisals. That return is due nine months after death and some three to six or seven months later you get a closing letter which means that they have accepted your return, or they come back and they say we don't agree with your valuations and you have to fight about it. Once you get that closing letter that has always been the magic piece of paper that the personal representative who is handling the estate has wanted to close out the estate because that personal representative, usually one of the brothers or sisters, has had to hold money, they've sent money into the IRS based on their return, but until they get this closing letter that says it is finally accepted they hold money back in case they are wrong because in some cases they can become personally liable. You've got brothers and sisters who are clamoring, 'Where's the rest of this money and we are we going to get it?' and they are waiting for that closing letter. That's what happens now, that closing letter comes and everybody breathes a big sigh of relief and then the personal representative shares the rest of the money they've had in the bank with the rest of the family and life moves on. The estate is closed.

What will happen now though, under that system by the way, the personal representative is also protected against claims because they have filed the state estate tax return also, using the same values, and when they get the closing letter it means their state tax return is final also. Now, if the state is not going to rely on those numbers, the State of Maine's Revenue Department doesn't give a closing letter. They have a three year statute of limitations. So now your brother or sister who is settling the estate has to hold money back for the full three years to wait for the statute of limitations to run on the potential state revaluation. We could have this potential situation where one branch of the federal government agrees with the valuation but the state says it doesn't agree. If the issue is only unreported property I can't understand why, with a little more thought, this language could be redrafted to just focus on unreported property. Because if it's not reported on the federal estate tax return I don't know why the

state is bound by it anyhow. So if all we are going after is unreported property why don't we find a way to do that, but let's not hold up the settlement of all estates in the state of Maine for three years to pick up this five or six pieces of property that Revenue Service has found. I would urge you all to support the pending motion and allow this to be worked out in greater detail on another day. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Nass to Adopt Senate Amendment "A" (S-537). 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 (#390)

YEAS: Senators: BARTLETT, BENOIT, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

NAYS: Senators: BOWMAN, BRANNIGAN, PERRY, 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 **NASS** of York to **ADOPT** Senate Amendment "A" (S-537), **PREVAILED**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-557) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President. This truly is a technical change to clarify a bill that we have had, LD 262, which was put in the budget and which was supported in a bipartisan way. What this amendment does is just clarify that it can be either a non-profit or a for-profit that gets the tax credits. The language itself came from Maine Revenue Services and basically this is just trying to make it clear so if somebody goes to Maine Revenue Services they will know what to do. It was just left out of the original language in the bill and so this is a technical change. Thank you.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-557) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "A" (S-537) AND "B" (S-557), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting
H.P. 1488 L.D. 2102
(S "A" S-531 to C "A" H-818)

Tabled - April 4, 2008, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In House, April 1, 2008, **PASSED TO BE ENACTED**.)

(In Senate, April 4, 2008, **PASSED TO BE ENACTED**. Subsequently, on motion by Senator **DAMON** of Hancock, **RECONSIDERED**.)

On motion by Senator **DAMON** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-818) as Amended by Senate Amendment "A" (S-531) thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-531) to Committee Amendment "A" (H-818) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-560) to Committee Amendment "A" (H-818) **READ**.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Some time ago, I think it might have been in the first year of this 123rd Legislative Session, there was a bill that moved forward in this legislature that changed, rather radically, how assessments were to be made to private roads. Those roads that camp owners may have or those roads that year-round citizens could have but were not part of the public way and were not part of the municipal transportation infrastructure. As a result of that change there has been different additional legislation that has been offered in this session of the 123rd

Legislature and my amendment simply would have road associations who meet to provide for assessment purposes, how that road will be maintained, that the members of that association who are not going to be able to attend the association meeting will not be able to have an absentee ballot but will be able to name a proxy to represent them in their absence. That proxy, according to this amendment, may be, but does not have to be, but may be a member of that same road association. This simply allows those people who are unable to attend that association meeting to have their vote duly recorded. I think that it is a reasonable amendment and I would urge your adoption of it. Thank you, Madame President.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ADOPT** Senate Amendment "B" (S-560) to Committee Amendment "A" (H-818).

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate off the Record.

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

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1503 L.D. 2123

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-868)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-869)** (6 members)

Tabled - April 7, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-869)** Report, in **NON-CONCURRENCE**

(In House, April 4, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)**.)

(In Senate, April 7, 2008, Reports **READ**.)

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

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

Senator **RAYE:** Thank you, Madame President. I rise to express opposition to the pending motion. This is a bill that would impose a penalty on schools, school construction in districts that do not choose to consolidate. I think that it would be harmful to a number of potential construction projects across the state. I certainly know that it would be very harmful to my district. I cannot support it and I hope that the Senate will join with me in opposing this motion so that we can move on to approve the Majority Report as the other Body did. Thank you.

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

Senator **MILLS:** Thank you, Madame President. If I may be permitted just a brief explanation of what this does. I get these approval of rules and the processes associated with them confused at times, but I think this one is fairly straight forward. Back last spring we passed by a two-thirds majority in both chambers a budget that included in it some school consolidation provisions. One of those provisions in the bill last year was to direct the state board of education to include within their point system for school construction projects something that would give allowance for the districts that are complying with our school consolidation law so that if they came forward and had a proposal

for a new school building but they weren't in compliance with our consolidation law there would be some point penalty associated with that application. The board met and considered it all and they proposed a rule back to us that said why not take ten points off a 200 point scale, I think that's 5%. This report would simply validate that part of the rule and it also adds in a sentence which I think is helpful, it simply says that when a district makes an application for a new building that they must demonstrate to the board that the application, the remedy for their problem, does take into account the resources within the region around that school unit so that the proposed solution is either equivalent to or better than other options after taking into consideration all resources and facilities within the region, including those that are reasonably available from other school administrative units. On balance, the impression of all three of us on the Senate side of the committee that rule as amended by this one sentence would be the appropriate way to flow. Thank you, Madame President.

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

Senator **BOWMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise to concur with and support my highly esteemed colleague from Somerset County. This motion makes good common, and I want to underline the next word, fiscal sense. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Bowman, to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-869) 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 (#391)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DAMON, DOW, NUTTING, RAYE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, WESTON

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-869)** Report, in **NON-CONCURRENCE, PREVAILED.**

READ ONCE.

Committee Amendment "B" (H-869) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-869)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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 **TRANSPORTATION** on Bill "An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products" (EMERGENCY)
H.P. 1576 L.D. 2209

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

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

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

Tabled - April 7, 2008, by Senator **DAMON** of Hancock

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, April 4, 2008, Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)** thereto.)
(In Senate, April 7, 2008, Reports **READ**.)

Senator **DAMON** of Hancock moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**.

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.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. This is not my expertise, however having been present at the public hearing for this and after seeing one trucker after another get up and say this is a significant issue for them, and a real problem, and after having listened to the testimony of the ambiguity of how to measure this I hope that you will vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to

Accept Report "A", Ought Not to Pass. 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 (#392)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DIAMOND, HASTINGS, MARRACHE, MCCORMICK, MITCHELL, NASS, PERRY, ROTUNDO, SAVAGE, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, COURTNEY, DOW, GOOLEY, HOBBS, MARTIN, MILLS, NUTTING, PLOWMAN, RAYE, ROSEN, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development"

S.P. 885 L.D. 2255

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-561)** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-562)** (3 members)

Tabled - April 7, 2008, by Senator **BARTLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)** Report

(In Senate, April 7, 2008, Reports **READ**.)

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-561) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)**.

Sent down for concurrence.

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

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Laws Regarding School Funding
S.P. 741 L.D. 1932
(CC "A" S-467; S "D" S-554)

Tabled - April 7, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-467) AND SENATE AMENDMENT "D" (S-554)** thereto.)

(In House, April 4, 2008, **PASSED TO BE ENACTED**.)

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

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want to clarify that the Appropriations Committee met at lunch time today and we exempted LD 1932 off the table and the vote was unanimous. Thank you.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#393)

YEAS: Senators: BARTLETT, BOWMAN, BROMLEY, BRYANT, DAMON, DOW, GOOLEY, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, STRIMLING, WESTON

NAYS: Senators: BENOIT, BRANNIGAN, COURTNEY, DIAMOND, HASTINGS, HOBBS, MILLS, NASS, ROSEN, ROTUNDO, SMITH, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

21 Senators having voted in the affirmative and 14 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.

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:

Bill "An Act To Restore Benefits under the Circuitbreaker Program"

S.P. 921 L.D. 2305

Tabled - April 7, 2008, by Senator **STRIMLING** of Cumberland
Pending - motion by Senator **PERRY** of Penobscot to **REFER** to the Committee on **TAXATION**

(Committee on **TAXATION** suggested and ordered printed.)

Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **REFER** to the Committee on **TAXATION**.

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

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

Senator **STRIMLING:** Thank you, Madame President. Just to let people know what is going on in terms of this bill and what it is trying to accomplish, in the budget you will recall we made an adjustment to the circuit breaker program and when we put that adjustment through it had been communicated to us that what we were doing with the circuit breaker program was basically trying to reduce the benefit for the folks who were at the highest end, the highest end recipients on the circuit breaker program and leaving everybody else alone. It actually turned out that what we did as a body, and this was in both budgets, was to reduce it for families all the way down to \$30,000 by about \$150 a family. It wasn't just to reduce in the future, it was actually to cut back on benefits that they had already received. So, once we figured that out and realized it there was a lot of conversation on both sides of the aisle as to how do we fix this. We weren't able to fix it right in the budget process, we all remember how that was, so what this bill is doing is trying to fix that piece the way that it deals with the circuit breaker is basically doing what we originally intended, which was to deal with the folks who were at the higher end, those households that are making \$80,000 or more, those individuals who are making \$60,000 or more and restoring the benefits for everybody else. What's going on right now is that we

are trying to determine the best way to do the funding source of this. The net operating loss, which was a piece that was in the bipartisan amendment is what we have used as our starting point. We are now in conversations, the good Senator from York and myself, with folks in the business community to figure out the best way to formulate that so that it has the least pain for them, which I certainly am supportive of. So we are working on that right now. I cannot debate a tabling motion but I do hope that my good friend from York county will stand up and table this so that we can come up with that amendment and present it to you in the coming days. Thank you.

On motion by Senator **NASS** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

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

Bill "An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting"

H.P. 1488 L.D. 2102
(S "A" S-531 to C "A" H-818)

Tabled - April 7, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **DAMON** of Hancock to **ADOPT** Senate Amendment "B" (S-560) to Committee Amendment "A" (H-818)

(In House, April 1, 2008, **PASSED TO BE ENACTED**.)

(In Senate, April 7, 2008, on motion by Senator **DAMON** of Hancock, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (H-818) as Amended by Senate Amendment "A" (S-531) thereto, in concurrence. **RULES SUSPENDED. RECONSIDERED ADOPTION** of Senate Amendment "A" (S-531) to Committee Amendment "A" (H-818) and **INDEFINITELY POSTPONED** same. Senate Amendment "B" (S-560) to Committee Amendment "A" (H-818) **READ**.)

On motion by Senator **DAMON** of Hancock, Senate Amendment "B" (S-560) to Committee Amendment "A" (H-818) **ADOPTED**.

Committee Amendment "A" (H-818) as Amended by Senate Amendment "B" (S-560) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) AS AMENDED BY SENATE AMENDMENT "B" (S-560) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate called to order by the President.

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:

COMMUNICATIONS

The Following Communication: S.C. 758

**STATE OF MAINE
OFFICE OF THE GOVERNOR
STATEHOUSE STATION 1
AUGUSTA, MAINE 04333-0001**

April 7, 2008

To The Honorable Members of the Maine Legislature:

I am enclosing S.P. 741, L.D. 1932, "An Act to Amend the Laws Regarding School Funding," which is being returned without my signature or approval.

This bill began as a means to eliminate technical barriers to the school administrative reorganization law enacted last year. The elements of the original bill are non-controversial and were supported by all 13 members of the Joint Standing Committee on Education and Cultural Affairs.

During the legislative process, the bill was significantly amended and its original purpose was lost. The non-controversial technical changes became encumbered with language that I cannot support.

In its current form, L.D. 1932 would undermine the effectiveness of the education reforms that passed the Legislature last year with broad bipartisan support. Specifically, the bill would allow for the formation of "super unions," which would encourage more bureaucracy and allow for the expansion of an inefficient means of school governance. Maine would likely end up with more school districts, not fewer. Further, the bill would decrease the transparency of the budget validation process and increase confusion, making it more difficult for voters to get a complete picture of how their tax dollars are being spent on education.

Nonetheless, agreement still exists on the need for the technical amendments that prompted L.D. 1932. Most schools districts have been working diligently since January to reduce school administration, improve student outcomes and save tax dollars. Unfortunately, in some places this good work has stopped as Reorganization Planning Committees, School Board members, town officials and citizens have been forced to wait for the tools they need to move forward.

Senate at Ease.

To help them move forward, I have submitted legislation that includes the non-controversial elements of L.D. 1932. The new legislation will allow school units to negotiate local cost-sharing agreements, will allow districts that receive the minimum special education subsidy to continue to do so when they join a new school district and will remove the 2 mill requirement. The bill will also correct a technical error by creating a single budget format for all districts.

Maine must continue to push for the highest quality education for our children, but we must also continue to seek greater efficiencies in the way the State delivers services. For these reasons and the others outlined above, I firmly oppose L.D. 1932 and respectfully urge you to sustain my veto.

Sincerely,

S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill

An Act To Amend the Laws Regarding School Funding
S.P. 741 L.D. 1932

The President laid before the Senate the following: "Shall this Bill become a law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#394)

YEAS: Senators: BRYANT, DAMON, DOW, GOOLEY,
NUTTING, PERRY, PLOWMAN, RAYE, SAVAGE,
SHERMAN, SNOWE-MELLO, WESTON

NAYS: Senators: BARTLETT, BENOIT, BOWMAN,
BRANNIGAN, BROMLEY, COURTNEY, DIAMOND,
HASTINGS, HOBBS, MARRACHE, MARTIN,
MCCORMICK, MILLS, MITCHELL, NASS, ROSEN,
ROTUNDO, SCHNEIDER, SMITH, STRIMLING,
SULLIVAN, TURNER, THE PRESIDENT - BETH G.
EDMONDS

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, and 12 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Tuesday, April 8, 2008, at 10:00 in the morning.