

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

In Senate Chamber  
Friday  
April 18, 2008

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

Prayer by Senator Elizabeth M. Schneider of Penobscot County.

**SENATOR SCHNEIDER:** First I want to start this morning by thanking leadership on both sides of the aisle. I want to thank the Senator from Androscoggin, Senator Peggy Rotundo, and all the Appropriations members for their hard work for this state. I want to thank all of my good colleagues who have served with me on the two committees that I have served on in my last two terms. They have made my work here so enjoyable. I'm very thankful and grateful to all of them and I know that we all share in that. I'm really going to miss those people who are not going to be returning next year, but I can tell you this, they will be in my heart, my prayers, and my thoughts always. With that, I have three very short prayers and I want to start with His Holiness, Pope John Paul II. 'Violence never again. War never again. Terrorism never again. In God's name, may all religions bring upon earth justice and peace, forgiveness, life, and love.'

Mahatma Gandhi - early 20<sup>th</sup> Century - 'When I despair I remember that all through history the ways of truth and love have always won. There have been tyrants and murderers and for a time they can seem invincible, but in the end they always fall.'

Mother Theresa - 'Make us worthy, Lord, to serve our fellow human beings throughout the world who live and die in poverty and hunger. Give them, through our hands, this day their daily bread and, by our understanding love, give peace and joy. Amen.'

Reading of the Journal of Thursday, April 17, 2008.

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the State's Cash Investment Policies"  
S.P. 858 L.D. 2226

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-683)**.

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook

Representatives:

FISCHER of Presque Isle  
CRAVEN of Lewiston  
MILLS of Farmington  
CAIN of Orono  
VALENTINO of Saco  
WEBSTER of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-684)**.

Signed:

Senator:

TURNER of Cumberland

Representatives:

MILLETT of Waterford  
FLOOD of Winthrop  
ROBINSON of Raymond  
GILES of Belfast

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-683)** 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-683)** Report.

**ENACTORS**

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

**Emergency Measure**

An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services

H.P. 1466 L.D. 2080  
(S "A" S-658 to C "A" H-989)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 3 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Bond Issue**

An Act To Authorize a General Fund Bond Issue for Drinking Water Management and Wastewater Management  
S.P. 830 L.D. 2169  
(S "A" S-666 to C "A" S-449)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Acts**

An Act To Amend the Laws Governing Stalking  
S.P. 681 L.D. 1873  
(S "A" S-672 to C "B" S-400)

An Act To Extend the ConnectME Authority  
H.P. 1607 L.D. 2246  
(S "A" S-663)

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

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**Resolve**

Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth  
H.P. 1092 L.D. 1567  
(S "A" S-670 to C "B" H-652)

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

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Off Record Remarks

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

**COMMUNICATIONS**

The Following Communication: H.C. 545

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 17, 2008

Honorable Joy J. O'Brien  
Secretary of the Senate  
123rd Maine Legislature  
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to insist on its previous action whereby it Failed to Engross Bill "An Act To Allow Direct-to-consumer Wine Sales" (S.P. 781) (L.D. 1987).

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Tribal-State Work Group"  
H.P. 1587 L.D. 2221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1043).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1043).**

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

**READ ONCE.**

Committee Amendment "A" (H-1043) **READ and ADOPTED**, in concurrence.

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

Senator **HOBBS:** Thank you very much, Madame President, men and women of the Senate. First of all I'd like to pay a special tribute to the two members of this Body who worked on L.D. 2221, the gentleman from Androscoggin, Senator Nutting, and the individual who is invaluable on the Judiciary Committee, the Senator from Oxford, Senator Hastings. This particular bill is a monumental piece of legislation. It has taken years and years of discussions, to a point where we came from anger and distrust to a point of hope for the future that this bill will make a difference. L.D. 2221 is a very important step in the State's relationship with Maine's tribal Indians. It is the result of a Tribal-State workshop that was composed of representatives from the Executive branch and the Legislative branch and representatives from each of Maine's federally recognized Indian tribes. Maine wants to treat

the decedents of the original inhabitants of the state of Maine with respect and acknowledge their unique governmental status. All the members of the workshop agreed to the Houlton Band of Maliseet's request that they should have jurisdictional authority and governmental powers similar to those of the Penobscot Indian Nation and the Passamaquoddy Tribe. L.D. 2221 will now provide the Houlton Band of Maliseet Indians with the jurisdictional authorities and governmental powers similar to those of the Penobscot Nation and the Passamaquoddy Tribe. This proposed act includes an effective date provision that sets the effective date for two sections of the bill, Sections 62061 and 6207, as October 1, 2009. The purpose of this delay is because the two land parcels identified in Section 6205 Sub 2A as Maliseet Indian territory are located within established municipalities and the Band and the municipalities need that time to prepare for, and achieve through negotiations and agreements or other mechanisms, the transition of authority contemplated by this act. The committee anticipates that Sections 62061 and 6207 will take effect on October 1, 2009 and that the amendments of Sections 62061 and 6207 will be based on agreements between the municipalities and the Band that assist in the implementation of the powers and authorities provided to the Band in this act.

To give you some history, in 1980 the Maliseet Band was loosely organized and had no land. The State was hesitant, under those circumstances, to agree to the Band having the same authorities and powers as the Penobscot Indian Nation and the Passamaquoddy Tribe. The Maliseet Band has come a long way since 1980. Today the Maliseet Tribal Government oversees many programs related to social and mental health services, a sizable tribal housing complex, sanitation facilities, an environmental protection office, a tribal medical center, a Head Start program, a daycare program, a tribal police department with two tribal officers, and a tribal economic development corporation. The tribe also now has over 1,100 acres of land and the tribe has just opened its tribal court and is in the process of establishing a tribal constitution. These are the functions of a government. The Maliseet Band deserves our legal recognition and respect, both from its historical presence in Maine and systematically building up its governmental capacity over the past 28 years. L.D. 2221 provides both respect and recognition. I'm pleased and honored that I have an opportunity to work on this legislation which is monumental.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. The Maliseets have been many years in the Houlton-Littleton area and Woodstock, New Brunswick. I would just go on the record, as this goes forward and more negotiations take place, stating that I hope this goes forward with our hopes and prayers and may the wisdom of both sides prevail when we sit down to do these negotiations. I think we understand exactly where the positions of both groups are. Perhaps we can go forward together to achieve something that will be helpful to both sides. Thank you.

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

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

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**ENACTORS**

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

**Emergency Measure**

An Act Regarding the Maine Regulatory Fairness Board  
H.P. 1371 L.D. 1937  
(S "A" S-673 to C "A" H-933)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Reduce Wild Blueberry Theft  
S.P. 795 L.D. 2001  
(S "A" S-675 to C "A" S-542)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Facilitate the Provision of Educational Loans for Maine Students and Families  
S.P. 918 L.D. 2300  
(C "A" S-584; S "A" S-662)

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

**Emergency Measure**

An Act To Restore Positions in the Office of Program Evaluation and Government Accountability

H.P. 1667 L.D. 2307  
(S "D" S-639; S "F" S-659)

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

**Emergency Resolve**

Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities

S.P. 923 L.D. 2312  
(S "A" S-660)

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

**Acts**

An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

S.P. 147 L.D. 446  
(S "A" S-669 to C "A" S-594)

An Act To Enhance Economic Development in Maine's Aviation Industry

S.P. 770 L.D. 1976  
(S "A" S-674 to C "A" S-485)

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

H.P. 1405 L.D. 2021  
(S "A" S-676 to C "A" H-731)

An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax

H.P. 1483 L.D. 2097  
(S "A" S-667 to C "A" H-754)

An Act To Amend the Animal Welfare Laws

H.P. 1545 L.D. 2171  
(H "A" H-982; S "B" S-665  
to C "A" H-965)

An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

H.P. 1597 L.D. 2236  
(S "A" S-664 to C "B" H-962)

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

**Resolves**

Resolve, To Study the Scientific Research Support Capability of the Maine State Museum

S.P. 209 L.D. 672  
(S "A" S-671 to C "B" S-403)

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

H.P. 1423 L.D. 2039  
(S "A" S-678 to C "A" H-723)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers

H.P. 1474 L.D. 2088  
(S "A" S-668 to C "A" H-688)

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

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

**ENACTORS**

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

**Act**

An Act To Remove Barriers to the Reorganization of School Administrative Units

S.P. 931 L.D. 2323  
(H "G" H-1041)

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. Just before we have the final roll call on this, I just wanted to state for the record that supporting this measure leaves in place many of the most onerous and unworkable provisions of the law that was passed last year. It takes away local governance. Unfortunately, last night the amendment that we had to allow school unions is gone. Unfortunately, there is no provision in law for a municipality to withdraw from a district in order to choose their own partners. There is no other way to put it than to say that I think that this is going to have disastrous consequences, particularly in the rural

areas of this state. I am extraordinarily disappointed that we appear to be on the verge of passing this measure, which I think puts the stamp of approval of this Body on pretty much the status quo. A few nibbles around the edges, but the significant changes that I think the people of Maine had hoped would emerge from this legislature are not included in this bill. I cannot vote for it and I hope others will join me in opposing it.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I would like to associate myself with the remarks from the good Senator from Washington, Senator Raye. I like his mustard and I like the way he speaks. I think we had a great debate yesterday when people we're arguing that we shouldn't let the federal government tell us what to do. All the talk about infringing on our rights and to leave us alone. Don't do it to us. On and on and on. Now we come to the point where these Chambers are telling people what they are going to do. I don't know how to spell the word hypocrisy, maybe that's not the correct term here, but you can't have it both ways. You are telling three million people and 200,000 school kids and the parents and all the people that go with this what they are going to do and when they are going to do it under the threat of the State of Maine. Many times I have heard Democrats say it's clearly wrong. I'd like to plagiarize that, this is clearly wrong, what you are doing. You are wrapping this up in red tape. Go back and read Jefferson-Hamilton in the 1700's. Two weeks ago the Maine Sunday Telegram had an article 'Is Jefferson winning or is Hamilton winning?' I read an article about One Flew Over the Cuckoo's Nest, if you have seen that with Jack Nicholson, Nurse Ratchet. Jack went in to have a good time. Jack broke the rules. In the end Jack had a lobotomy. I think that's what we are doing here. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I haven't said much on the education bill because, obviously, there are people who have worked very hard on this during the last two years. I do need to add a couple of words. Obviously, what we did last year, and what we are doing today, is not my preference and not the way I would have done it. I think that we have to move forward in this state when the State of Maine is giving over a billion dollars a year to the municipalities. The State of Maine ought to expect certain things to occur at the local level and they have not been. In my own county, for at least the last 12 years, I pleaded with superintendents that they ought to work together, cooperate together, and get rid of a number of them. Since we had 20 superintendents in Aroostook County, 16 full time and 4 part time, for a school population the same as the City of Portland has. They said that was local control. We talked about a waste of money, State money and local money. We've been watching it in Aroostook County for years. I put in a number of bills to deal with that issue and I can guarantee you that every one of those were killed by the educational community, in particular the Maine School Management. What we ended up with, in my opinion, is not the best of what could have been. If only superintendents had attempted to work together many years ago and understand that we couldn't afford the system that we

had in this state. That's unfortunate. What happens, and I always worry about the pendulum swing, people get so frustrated at some point they go to the end of that swing. In my opinion, that is partially where we are. Eventually, I think, the pendulum swing will come back to where it ought to be, but where we are today was brought on by the educational structure in this state and in particular by the superintendents of Maine. You could see it coming and we could have realized it. They should have themselves simply because the vacancies were there and they were becoming more and more. It's difficult to find people who even want to be superintendents and I understand why.

As a matter of fact, some of you may know I've been on a school board, and am still serving on a school board, for the district in which I live because no one else wants to do it. That I can guarantee you. As a matter of fact, last year in the six districts that we were hoping for school board members to run in we didn't have a single candidate. Not one. This year we didn't do much better. I'm not sure in my hometown because there is one district open and my hometown is the only district that votes in June. The papers are now available and I haven't seen anyone file for that seat.

As we move along here, obviously, if I had had my choice it would be somewhat different than this. We brought it upon ourselves and we only have ourselves to blame when we look at ourselves in the mirror.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I wasn't planning on speaking on this. I represent a rural district. I was just going to be voting to oppose it. When I listened to the previous speaker, the good Senator from Aroostook, Senator Martin, talk and use phrases like 'waste of money' and 'not the best', I agree with him but I'd use these words a little differently. When I look at the computer print-out here where the last four years worth of new EPS school money has gone, and we have had a large increase in the amount of money we put in GPA to education, I see where that money went. This school consolidation adversely effects rural Maine. When I look at where the money went the last four years and, even with declining enrollments, the money has gone to the cities who aren't effected at all by school consolidation. I'm seeing city after city here gain between \$8 million and \$16 million over the last four years. To me, that is a waste of money. That's not the best situation. We're passing bill after bill. When it comes to schools that adversely effect rural Maine, we're pumping millions and millions of dollars into our cities. That isn't right. It isn't right at all. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Nearly one year ago we sat here and passed the original school consolidation bill. I sat in my seat and I listened as one by one people stood and said, 'This won't work. This has problems, but I'm going to vote for it and we'll see.' Just a few months after that, in the fall, what we heard was, 'We really know this isn't working and we are going to fix it.' I think we were even told that we were going to do it the first three days of the next session. Here we are at the very end of this session and we

are still saying this isn't going to work. This has problems. We have ourselves to blame. If I could take on the hat of the Chief Executive and I had just been elected for my second term, I think it might have been good to do something like this, to acknowledge the problem, and there is a problem. We have declining students and increasing costs. It would have been good to say, 'The first two years of my term I am going to bring everyone together and we are going to find the best way not just to cut costs but to improve education, to present our students with the best education possible, and to send them out into the world of Maine to make a good living, to help people, and to lead a successful life.' That has been lost in this whole entire debate. I would then have said, 'In the last two years of my term we are going to implement it and we're going to see success in our schools.' If you want anything to succeed you bring people together. You determine the best way to make it happen. You get everyone on board and then you proceed to make it happen. This was a few people deciding how they would make other people live and work and then forcing it upon them. That's not the formula for success. We now know that's very true. I find it so disappointing that I have to leave this term once again saying we didn't do it right. The people who come back in the 124<sup>th</sup> will still be dealing with this. My only hope is that they will listen to the parents, to the teachers, and to the administrators and that there will be a coalition built to focus on how to bring the very best education to our children in the most efficient way. I will be voting against this. I've tried to be consistent all the way through because my focus was first on education and second on efficiency. We have neither in this bill. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I didn't expect to be speaking on this matter but simply voting on it. I will start by reminding you of my Uncle Bert, somebody that the Senator from Washington, Senator Raye, also knew when he was a young boy. My Uncle Bert would say, 'I can go out on the street and find a hundred people to tell me how not to do it. I'm looking for the one person who can tell me how to get it done. That's the person I want on my team.' Anytime you get involved in restructuring an entity, whether it is public or private, there are significant tensions. Most of my experience has been in the private sector. Once the decision is made people line up and work to get the job done. If they don't like it they leave. The public process is very different. All the stakeholders have an opportunity and they usually exercise that opportunity fairly well. I think it's an understatement to say there has been fierce resistance to the changes that this law has brought onto the state. I hope that this resistance will abate and we can get onto doing the work of educating our children in the best manner possible in the most cost effective way. You can go to all 50 states in the union and any time schools are brought up there is always a fierce debate and change is wretchedly slow. Frankly, it puts us at a disadvantage competitively in the international market because whether you are a first world power or a second world power the emphasis on education is much more focused. The Senator from Aroostook, Senator Martin, could tell you better than I, we have taken a decentralized approach to government. We are a republic. In this part of the republic we have had a long tradition of local control. I don't think, as the Senator from Aroostook, Senator Martin, has pointed

out, that it is delivered the way we would hope it would be delivered and we are where we are. I would hope that those in this Chamber who have been fiercely involved in opposing what needs to be done will take half as much energy into trying to make it work. My Uncle Bert is looking from above and wants to find that one person who can get the job done. Think about leading your constituents as opposed to following the parade that they build for you. That's not always popular, but when you know something needs to be done you can do it by setting an example and sometimes taking the popular stand isn't necessarily the right stand. I think that with our constituency sometimes giving them a dose of reality is the best elixir for them. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I'm a pretty pragmatic person. Some people would call me stubborn. I choose not to use that adjective. Obstinate maybe. However, I will vote for this because if it becomes law this makes some corrections. Later there will be a chance to repeal. I will also vote for that because that is what I've been asked to do by three of the four communities that I represent. The reality is this corrects some of the problems from before. If it becomes law we need to correct as many as we can. There does need to be a change. No doubt about it. I see it every day that I'm not here, it seems like, and the changes must be coming. Again, I will use the 'would have', 'could have', and 'should have'. There are a million things we would have done differently. Some of us may not have run for office. The fact remains that this is the best we have. What we have for law needs some fixes. This is some of the fixes. If you want to make a stand, you can ask and vote later on something entirely different. However, if the Chief Executive decides to veto you need to fall back on something. This allows us to fall back and make some corrections. It's very difficult for people who represent both the city and the rural areas, but we have to think of education. I will be voting in support of this. It is not, like Dirigo, everything I wanted but I understand compromise. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I just want to rise in response to my good friend and colleague, the Senator from Cumberland, Senator Turner. As he said, I knew his Uncle Bert when I was a little boy. Uncle Bert's three grandsons are my half-brothers. I can tell you how Uncle Bert's progeny feel about this issue. I would also tell you that the Senator's Aunt Laura, whom we honored in this Body upon her 99<sup>th</sup> birthday a few weeks ago, has personally lobbied me on this bill and not in the direction that the good Senator from Cumberland, Senator Turner, would have her do it. I just want to say many, many people from throughout rural Maine have come to the table in a constructive and open way to have dialogue, to have input. Much of that was reflected in the language that this Body rejected last night in what had previously been the Damon Amendment that was defeated here last night, in the Ray Amendment that was defeated here last night, and the Gooley Amendment that was defeated here last night. When I hear the suggestion that the people of rural Maine are stubbornly resistant

and need a dose of reality I would remind this Body that the people of rural Maine have participated. Their voices and their opinions have been cast aside by this Chief Executive and many in this Body. If you sense some anger in my voice, it is there. I resent the way this has turned out in this legislature. The way the honest differences that we have brought to the table to try to negotiate have been stymied and cast aside at every juncture. We are, by what we did here last year with this budget and by what we are about to do here today, driving the wedge deeper and deeper between the two Maines. We talk about unity. We talk about it in our prayers when we open in the morning. We talk about it in a collegial sense with each other. Many of us have great friendships on both sides of this issue and both sides of this Chamber, but I can tell you that the wedge that is being driven between rural Maine and the cities of Maine is devastating and this bill is making it worse and it pains me. I know there are some in this Chamber who may not believe it, who may think we are over-reacting, I'm telling you we're not. When you hear the Senator from Androscoggin, Senator Nutting, the Senator from Aroostook, Senator Sherman, myself, and those of us who have spoken out, it's from the heart. We are representing the people we were sent here by. They are a part of this state too. They deserve the respect. They deserve to be listened to and accommodated in some respect so that we can maintain our traditions and our communities in a way that honors excellence in education and a tradition of local control. We're losing it. It's changing the face of Maine. I think not for the better.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I wish I lived in Washington County because I know I would have loved Uncle Bert and I think the mustard that's being distributed must be spicy brown because it is the kind of heartfelt conversation we should be having with one another. We care deeply about one another. I want to take you back on a quick journey through this odyssey that we've all been on as we've tried to find the right answer. On the one hand we have tried to cut taxes. The State is overspending and it needs efficiencies. We're all trying to do that. How do we do that without hurting children? I am here as a mom, a grandmother, and a former teacher. The first thing on my question plate is what helps the children? We started out with a proposal to try to get less money out of administration so that the children could have more money for their learning so that they could have the kinds of things we wanted them to have, the foreign languages and the math, so that we would be a world-class competitor on the education stage because we know we're living in an international economy. I keep hearing businessmen telling me that they are having a hard time. In fact, I was at the constructor's banquet the other night. The number one issue they were facing was qualified workers. This is what we are all thinking about. Even though we are disagreeing a bit on the path to get there, I don't think any of us disagree about that. Let me remind you, after last session's vote the leadership of this Body set up a process to try to enact immediately. I think we had the naive notion that we could enact the first week of January several things that were barriers to those schools who wanted to get together. They wanted to. They were not being forced to. They wanted to because they saw something in it for their kids. In that was the ability to negotiate costs and it was the 2 mil rate minimum so that minimum receivers could

continue to have the incentive to get together. Thirteen people on the Education Committee said, 'Yep, those are good ideas.' Because of the enormous frustration about how we organize ourselves, as you recall, there was an amendment attached and we had the same discussion we are having here today about unions. I must tell you, when we lost the ability to pass an opportunity in the Damon Amendment for unions I really could not talk for about a day. When the Commissioner called me to talk about it I said, 'I can't talk to you right now. I am grieving. It has nothing to do with you personally, but I am grieving.' You may not know it, but I do represent a union. I do think a union has a valuable function to play.

Nevertheless, the reason we are here on the last day of the session is because we've all been struggling to find a way to honor the union operation. The bill that we are trying to pass does not have a union per se but it does have the opportunity for towns to continue to operate much as a union does in terms of local school boards and in terms of inter-local agreements. It may not satisfy, but you need to know that it's there. I want to tell you, I put myself, or asked to be on, one of those planning committees. Believe it or not, as hard as it was, for one brief moment, and I must admit it's been snuffed out by the delay here, we were having the most extraordinary discussion about kids and their future. I was sitting down with a SAD, SAD 47 that includes Oakland, Messalonskee High School, and the towns they represent. They didn't need to do anything. They were well over 2,500. We were discussing with Waterville, a municipality. My Union 52 was also over 2,500 but nevertheless that form of governance was not available. For about a month or two we were talking about what possibilities our kids would have. There would be three high schools. One of them might specialize in math and science. One might specialize in the arts. Our kids, from all of these towns in central Maine, could choose the high school. I know that might not be popular with some, but we were excited about that because the kids in my union already had choices. We brought that idea to the table and it had a lot of appeal. We were talking about the children. What about Chinese being offered over ATM? What about Spanish classes? What about physics and advanced placement courses? That was our discussion. We couldn't get there because of debt. Did we want to take on Winslow's debt? Absolutely not. Vassalboro didn't have any. We were able to negotiate, which this bill allows us to do. I hope that we can move forward. If we don't find a new way to organize ourselves we'll never get to quality. I am totally committed to the discussion that the Senator from Androscoggin has raised about quality. Don't forget, we're dealing with a referendum. The referendum that said 55% of the cost of education. Most people don't understand it's the total cost. Those school districts that spend \$14,000, \$15,000, or \$20,000 per child are ratcheting up the cost even if they don't get State aid. That goes into the formula. If you think the State's not going to be concerned about how we operate in that arena than you haven't thought about strings being attached. Be careful what you ask for. I might say, a lot of the rural towns get a lot more money than some of the urban areas. Let's look at the urban areas for a minute. That amendment that was passed with the help of Maine Municipal, Maine Education Association, and a lot of people who thought they were doing a good deed also included 100% of funding for special ed students, whether you needed it or not. If you can raise your entire amount of school aid on a 2 mil effort, you still get money. That's what is wrong with the print out that the Senator from Androscoggin is using. We have lost sight of equity

in these gyrations we've been through over the years. Once we get our governance thing in place and we can spend less money on administration and more money on the kids, I hope that anybody who's back in this Chamber next year spends 100% of their time talking about quality and where we want our Maine kids to go. I'm sorry for the anxiety that people are going through, but I think it just indicates that there is nothing that is more dear to us than the education of our kids. I hope you will join me in voting for this bill and we can move forward and make this even better as we go along. Thank you.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. There may be a reason that we've had such a difficult time with this issue for two years. In my opinion, it's about trying to take an amendment that's a bandaid to fix up major surgery or a gaping wound. My district is all rural and I think that we have suffered right from the very beginning. I think the suffering and the inability of us to move things along is because of our approach to the entire system of how we did it. I don't think we were truthful with the people of the state of Maine. We talked about the quality of education. It was always the first sentence in a big document, but the rest of the document was all about money and who's going to save it. We convinced the people, or some people tried to convince the people, that they were going to save money also. We should have been up front with them right from the beginning, not about money but about what the problems were that we had to face up to. We should have brought all of the stakeholders, the superintendents, selectmen, board members, and citizens together and we should have educated them about what the main problem is with our education system. We had 240,000 students. We're down to 200,000 and we may bottom out at 180,000. We should have been up front and told the people that we needed to do something about it and we're going to have to close schools. The discussion should have been around that. In closing schools, we're going to have to lay off some teachers. Those jobs aren't going to exist. Instead of that we ran around telling people, 'Oh, we're not going to close schools and we're not going to lay off any teachers.' We didn't finish the sentence. We're going to take so much money away from you that this will be the only choice that you will have and you are going to have to do it with a club and penalties because here they come. Not a carrot and a stick, like the Sinclair Act. We didn't have this honest discussion with the people about closing schools, because that is really what it is all about.

This saving money through administration is possible, but it's just a smokescreen. It's not the real issue. It's having a school system in the state of Maine that we can afford to run with a much smaller school population. We should have been up front and told them that. If we had laid it all out on the table from the beginning they would have come along and we would have had a much better system, even though I think maybe we'd only be two years into the discussion right now and ready to solve the problems. We hid it all and we kept the superintendents out of the discussion and we kept the legislature out of the discussion until it just landed on our desks one day. To me, it was like being in a train wreck. I couldn't even talk about it for two weeks because it was such a big, massive concept.

I can sell sofas in my store at 70% off, but 70% off of what? When the people asked for 55% of school funding they didn't ask, '55% of what?' They wanted 55% for tax relief for property taxes. When they asked for 100% of special education they didn't ask, '100% of what? Or what gimmick can we come up with to change all that?' They were asking for property tax relief. While we must, and we have to, consider consolidation of some kind, in the environment we are in there is nothing wrong with that entire concept. We should have been up front. We told them they were going to save money. In the headlines of one of my local newspapers, just one week ago, I picked it up and there it was. Property taxes in Newcastle are going up 11% because of school funding. The Superintendent of Wiscasset recommends withdrawing from any more discussion on consolidation. South Bristol school town meeting considers abandoning the whole system. A person running for a selectman's office in Damariscotta recommended the school system go private. We've had nothing but problems because we weren't up front with the people. My people in all of the towns in my district are still waiting for some tax relief from this school consolidation, but we haven't done it right. We've put the cart before the horse. We took the money away from them first so that they would have to fill in the gap, the hole. We took the money away even though there is no savings mechanism in place yet. We shouldn't have taken that money away from them. We should have waited until we were on the verge of a mechanism for them to save money. I think that we should have allowed them to achieve the first savings in the state, not the State of Maine. We should have allowed the people that voted for this referendum to realize the first savings in the state. I've had to vote against everything because all I've seen is increased taxes. Major increases, first from L.D. 1 in my rural district then from this plan to consolidate and pulling the money away first. All of my towns have had tax increases to fill in the hole from the money that we took away from them, all in the name of this consolidation to save money. I'm not saying that money can't be saved, but we were worried about our budget. We were worrying about our spending priorities, which, by the way, I obviously disagree with. I'm going to vote against this again, and I'm going to hope that someday we can get back to doing this thing right and giving the people the truth and letting them deal with the real issues that are out there, not the ones that we've tried to manufacture and make up for them here and then tell them to look at all the money they are going to save. It hasn't happened yet and we're still maybe three to five years down the road before any savings occur for the property tax owners. Thank you, Madame President.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. In my view, this is not a rural or metropolitan issue. I've had the good fortune of living in both Maines. If there are three Maines then I've lived in three Maines. Just recently there was a fascinating editorial in the Sunday Telegram about how the City of Portland has a need right now for five elementary schools and they've got eight. They've got neighborhood versus neighborhood at each other's throats over the very notion of closing any of those eight schools. They can't figure out how to get it done politically because there is such intense resistance from one neighborhood and another. Indeed, just a week ago, in a very rural district in my Senate district, there



was a small and ever diminishing school district that did organize way back 40 years ago under Sinclair, back when they were supposed to, they had a meeting where the management was saying they had to close two of their four elementary schools because one had 46 kids with 6 kids in the kindergarten and the other had numbers down in the low double digits. They said they probably should have only one school but the distances were great. They voted overwhelmingly to close none. I would echo the Senator from Lincoln, Senator Dow's comment that this idea about consolidating administrations is only part of the picture. It is part of the picture, however. Unfortunately, we have a \$2 billion system for 200,000 kids. Either we have to start making more babies or cut the dollars down to make it fit the number of babies we've got. That's just the raw math. I'd prefer the making more babies, personally.

I think the interesting thing about this great social experiment in Maine, and the 290 experiments that we have floating across the state, is that there are some of them that are actually working. In my own district, in the Fairfield area, they are at EPS. They don't have any property tax base. They have got one-half of the paper plate factory. The other half is in Waterville. Beyond that the industrial base of that district is modest. They are heavily subsidized by the state system to survive. Yet they have been under good management for years. They are at EPS. They have high academic performances. They are doing it in a rural setting. You've got Scarborough, in a metropolitan setting, or at least by my standards, and Windham as examples. Another rural area is the Guilford area. It seems to do well. They are working with funding at the EPS level. They've done what they've had to do to deliver good educational services at a modest cost. It can be done. Administrative consolidation is a key and, unfortunately, as the good Senator from Lincoln, Senator Dow, points out, school consolidation and laying off teachers is another key. That's sad to say, but it's true. We have the second lowest pupil-teacher ratio in the United States, right behind Vermont. We have about the eighth or tenth, I've heard different figures, highest cost per student in the United States, yet we all know that our median income level is down around 36 or 37. We have a school system that we clearly can't afford. We cannot use rurality as an excuse because the costs are not only in Washington County and parts of Somerset County but they are in Portland too. We've got to face this thing head-on.

I think the marketplace, unfortunately, is going to face it for us. This is what I think. Back four years ago, when the MMA and the MEA combined forces to put that referendum on the ballot and appealed to the people's deep concerns about property tax relief, there was a lot of discussion in the summer of 2003 about fending off that thing by supplying a rather modest amount of money into the EPA formula for that year. I think it was in the order of \$30 million. I said to the Governor, 'Pay it.' He didn't. The referendum went onto the fall ballot against a very weak alternative that was designed by this institution and it passed on its own in June of 2004. We geared up with L.D. 1 and we slashed the social service budgets. We flat funded them for two or three years running now. We didn't raise taxes. We didn't borrow money, though some of you tried. We toughed it through. Just this past month we got a report from the Planning Office that said the \$800 million we raised over a span of two or three years for K-12 for property tax relief went right into K-12, supporting a system that we knew from the beginning was unaffordable. Guess what? It's much more unaffordable today than it was three years ago. You think it was unaffordable back when we started

L.D. 1, just take a look at the Planning Office report. We're deep into unaffordability now. The Governor responded, late but he responded, last year with this rush to get consolidation done in a hurry. You may remember his first version was 26 districts and to do it now. That is beginning to look appealing at this point. I'm partly jesting. We've lived through this.

This bill that lies in front of us, frankly, is a repair to an effort that was drafted by not one committee but many committees. I'm not a big fan of what we did last year. I had other ideas about how to do it. I like incentives. I think they work better and I think it would have taken more time to use them to get to the end result. Here we are and we've got a bill in front of us that will simply make a little bit better the bill that we all have deep reservations about from last spring. There is no reason, in my humble view, not to vote green, but I do so knowing full well that it isn't going to be an adequate response to the very deep seated cost issues that are driving the tax revolt in this state.

I want to end by making a rather dire prediction. To the extent that consolidation doesn't happen, we are going to have property rich towns behaving almost like rich towns in the Middle Ages when the plague was coming through. They will close the gates. Leave the disease out there beyond the wall. They will take their shorefront property or their paper mill, draw that little municipal boundary around it and say, 'That's our money and we'll run any bloody school system we choose to run with the fiscal capacity that we have.' All the scruffy towns outside the wall will have their property taxes and the State will dribble out some money to them. They will have to do the best they can. We will wind up with the same kinds of horrible disparity in the school systems that you sometimes see in the deep South as a product of another era and another set of social concerns. This kind of ghettoization is present here now and it can get a whole lot worse once the equalization factor of school funding dries up. Ours is dried up. We flat funded GPA this year and, guess what, I hate to say it but I think we're going to flat fund it next year because the social service side of our budget has been devastated and the pressures on that side are so substantial that we can't ignore them. We won't. We will say to the towns that they need to use their property tax capacity, whatever they have. Those that have it will be fine. Those that don't are going to be rendering a far less adequate education for the poor children that they serve. This is my concern. Administrative consolidation is a way of addressing those concerns. If we fail to do this we will have a state that we will not be very proud of.

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

Senator **GOOLEY:** Thank you, Madame President, men and women of the Senate. Very quickly. I'd just like to say a few words. I'd like to weigh in on this briefly. Of course, this all started out with the referendum where the State was supposed to pay 55%. Then the Governor listened to the Brookings Report, which probably hasn't been mentioned here this morning, and we have all these federal mandates. We have a lot of pain in this state. Then the Governor launched this educational consolidation effort through his budget. I do represent rural Maine. I also represent a part of urban Maine, which is like the Messalonskee School system. I guess the thing I want to weigh in on is that it's the top down approach that has bothered me more than anything else. I've talked to a lot of people in rural Maine. There has been too much pain on this and it's been a painful process. I just see it

as a top down approach and we should have avoided that if we could have. Thank you very much.

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

Senator **BOWMAN:** Thank you, Madame President, men and women of the Senate. I wish I had an Uncle Bert and I wish every one of us did also. I think we would be even better than we already are if we had such an influence in our lives. I had a grandmother that greatly influenced me, but she didn't quite measure up, from what I understand, to Uncle Bert's standards.

I will be very brief in going over things we already know. If you take a look at the declining student population over the last three decades, this is not a recent issue. If you take a look at that and you look at the increasing costs, especially the administrative costs, and you look at the unsustainability of school finances in this state, you know there is a problem. Uncle Bert would recognize that and he would spring to action. From what little I know of him, he is a very inspirational person.

L.D 2323 attempts to make the ongoing process better. It's not optimal. It's not my first choice. It's a compromise. I love that word because it was driven home to me once. Somebody said, 'You know, life is really about compromise.' I said, 'Well, are you sure?' He said, 'Yep, just ask your wife.' I suggest if you don't agree that life is largely a compromise you do the same, regardless of gender. L.D. 2323 is an example of what we, in this wonderfully able and wonderfully flawed democratic process, can produce. It's a compromise. It's not many people's, perhaps any people's, first choice.

In my life I have encountered a lot of people. When you get to be 70 a lot of water has gone over the dam. I have met more people who would rather complain about problems than those who would rather solve them. I don't know if he was the first person to say it, but Lee Iacocca made a name for himself by saying, 'Lead, follow, or get out of the way.' In part because I was thrust into that situation, but in part because that is the nature of my core, my values, my principles, my life, and my experiences, I chose to lead in resolving the issues that I've described to you. I don't know where I'll be next November, but regardless of where I am, regardless of what position I am in, I will either lead or follow to make this process even better and I urge you all to do the same. 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. As I've listened to this excellent debate this morning, I'm still struck that many members of this Body, I think, today believed that this would be a quick vote. I am still amazed at that. I think some members of this Body still think that we are going to somehow debate and discuss school consolidation in a vacuum and somehow those folks in rural Maine are going to discuss and deal with school consolidation without even somehow blanking out of their minds totally where the school funding money is actually going. That, to me, is an impossible situation. They are asking, 'Are we living in a rural state or an urban state?' To me, we live in a rural state with an urban school funding formula. The two are hitched together. I don't see how we can assume to discuss one without realizing we really have to discuss everything together.

I have heard some things about the referendum that passed. Immediately, L.D. 1 made significant changes to the school funding formula that effected rural Maine. Immediately. No changes have been made in EPS concerning the 90 minimum receiver districts until right now. Almost four years later. I look at this print out of where the money has gone in the four years and I compare that with another print out that is the actual number of mils raised for education, what the actual mil rate effort to run their schools is. I look at Boothbay Harbor, who does their whole school budget in total at a mil rate effort of 3.1. They have millions of dollars evaluation per student. That's great. If you look at where the money has gone in the last four years, they have had an increase in school funding of \$1.7 million. They have one of the lowest actual mil rate efforts in the system. What does this bill before us do? It even exempts school districts from even having to raise a mil rate effort of 2. This bill just compounds the inequity in our school funding formula. In the last four years the 90 minimum receivers have gained close to \$20 million and that \$20 million has had come from somewhere. Largely it has had to come from those school districts that are in rural Maine, that don't have much value per student, has the highest transportation costs built in, and they have suffered because of it.

I think the fact that equity is now gone from our school funding formula, due to the policies of this Administration, that is just adversely effecting people's attitudes towards school consolidation because, to me, I will remind you, in closing, that you can't talk about school consolidation in a vacuum. You have to realize that it is part of the whole school funding formula debate. 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. I just have four items, and you can check them off. Looking out the window I noticed the buds are getting larger out there. There is a slight green haze across the far hill. I was sitting here thinking that I have some plowing to do back home and I'd like to sit on that green John Deere 4020, filled up with \$4 diesel, and plow and when you're done you're done. We're plowing old ground here, as we all know, for a number of reasons. The four points, most of them have been said in one form or another. I really like what the good Senator from Lincoln, Senator Dow, had to say. When we started last year there were seven of us who voted against the budget because that thing was in the budget. I've cited the Senator from Cumberland, Senator Diamond, on the jail consolidation issue. Even though I voted against that, it was crafted, beaten, and thrashed out. I wish we had done it that way, which has already been mentioned.

My first point is that some of us have wandered around the classrooms for 20 odd years. Someone said we were there every other year. When I hear these debates, they don't ring true to me. To those of us who have beat and thrashed in those classrooms, what I am hearing is foreign. I wouldn't tell the Senator from Somerset, Senator Mills, how to present a court case. I wouldn't tell the Senator from Oxford, Senator Hastings, how to run a bankruptcy or sell buildings in New Hampshire. I wouldn't tell the good Senator from Cumberland, Senator Diamond, how to run his mortgage company. I certainly wouldn't tell the good Senator how to run a submarine under the water, although the other day he told me he ran into a Russian sub at

one time. That's another type of issue. The tin ear issue kind of bothers me.

The second thing, we talked about kids in the classroom and learning. I ran through, actually Googled some stuff. When you look at high per capita income states or income areas, what you find is that those folks that have dough, their kids seem to do well. If it's the bell curve, I don't know. You find that across the country that there is not necessarily a correlation with per pupil cost and achievement. The State of Maine has had some good achievement levels in some 4<sup>th</sup> grade and 8<sup>th</sup> grade SATs. Really better than many states. Everyone was forced to take a SAT and that brings the level down. Some states have very few kids that take the SATs. I question some of the data.

Number three, Herb Belanger was a very wise man. He was the Superintendent at Caribou. We experimented with mini courses. We experimented with blue and white days. Getting the kids ready for college and all of that business. Herb was a wise man. He was here three terms. He was on Appropriations. He said, 'I've had enough of Appropriations, I'm out of here,' and went golfing in Florida. He's got a house on the coast here but is probably a resident in Florida. Herb would say, 'Get a good teacher who knows his or her subject matter, put them in front of a bunch of kids, and they will learn.' I know they are not bunches, but that is our lingo for our little darlings. There is no question about it, they will learn. When you are talking about too many teachers or too many superintendents, I don't care. Give them the tools in the classroom and find those good teachers. There is an issue about teachers who should not be in classrooms. MEA fights to the bitter end to keep some teachers who should not be in the classroom, but then there is that whole legal process. Maybe we should look at that. After one year you are almost granted tenure. To me, that's a real issue. On the other hand, when talking about teachers, look at the people who stay a while and then go. High turn-over.

My last point is a study done by a gentleman who was in the school system for years and years and years. He e-mailed it to me. He was a Senatorial candidate at one time. He said there is a high correlation between the number of kids on student lunches and achievement. A lot of this is related to money issues in certain ways. I will leave you with that. I hope that I can get the John Deere started. It is a green one. My brother-in-law doesn't like green tractors. He likes red, but he has more money than I do. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. First of all, I want to thank the Senator from Somerset, Senator Mills, for laying it out for us because he's done a great job in doing that. I need to remind people because most of you were not here, a few of us were but most of you were at home, that the equalization issue went out the door in the early 1970's with the Uniform Property Tax repeal by the citizens of Maine. Since that time we have been unable to cope with the problem of equalization. You need to keep that in the back of your mind. To the Senator from Lincoln, Senator Dow, I want to tell him that his community has the same problem as my hometown. He has the ocean. I have a lake. There is no hope for property tax relief because the property tax values keep coming, the State valuation keeps going up, and we'll continue to receive less money from the State. Of course his is worse

because it's the ocean and the value is greater. You saw that and you've seen that happen this year in Washington County where communities are being devastated. There are cuts in State revenues or State dollars for schools in Lubec and Eastport. When I looked at those figures, in my opinion, it's an absolute disgrace. That's something that we, as a legislature, have not dealt with and we continue to ignore the issue of valuation and the adjustments that are caused by it. That has an impact on education at the local level.

Finally, my last point that I want to make. People have talked about the top down approach. I can guarantee you the bottom up approach hasn't worked. In my district, in my area, the St. John Valley has 24,000 students, four full time superintendents, four business offices, and one part time superintendent. If we can't achieve administrative savings, and we haven't gotten there yet, by the way, then we ought to really be concerned about what we can do in the long run. I would remind my citizens of Maine that we, the Senator from Aroostook, Senator Sherman, and the Senator from Washington, Senator Raye, live very close to New Brunswick, and we tend not to look at what they do because we don't want a system like them, apparently. They have a top down approach. They have five school districts and five superintendents who report directly to the Minister of Education who carries out the management of the educational system in that Province with a population that is a little less than ours. They have no school boards, but an advisory team at each school made up of parents and teachers. I'd encourage you to walk across the border and see how they are doing. The time has come that we need to change the way we do it here.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I've never passed up the opportunity to perpetuate a family feud. Knowing that my Aunt Laura had lobbied the good Senator from Washington, Senator Raye, I made a special trip to Florida to discuss the school administration consolidation at length with her. I also dropped off a sentiment expressing the good wishes of this Legislature on her 99<sup>th</sup> birthday. Sometimes you may think that wisdom comes from the mouths of babes, but it can often times come from very sharp 99 year old women who have extensive life experience. We had a significant discussion on this matter. You need to know that her brother-in-law, Omar, was in the room. She said, 'I know what Omar thinks. I want to know what you think. I want to understand why.' I proceeded to answer her questions and periodically she'd go, 'Umph.' Not to me, but to Omar. We went back and forth for close to an hour. On at least two more occasions she'd go, 'Umph.' She reminded me of Doctor Evil quieting the dissent in his ranks. When she had her questions answered, and she knows of Lubec, Eastport, Calais, Vanceboro, Danforth, and the like having lived in Washington County for most all of her life, she said, 'Perpetuation of our current situation cannot stand. The system is not working for us. We need to go forward, we cannot go backwards.' I'm not certain you are right, but it's likely that you are. We need to try. With those words of wisdom, I would ask us to go forward and to try. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#467)**

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

NAYS: Senators: DOW, GOOLEY, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SNOWE-MELLO, WESTON

ABSENT: Senator: SMITH

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

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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. 1687

**JOINT RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE COMMISSIONING OF THE DECORATED WORLD WAR II CRUISER USS PORTLAND**

WHEREAS, this year marks the 75th anniversary of the commissioning of the cruiser USS Portland, one of 2 vessels to bear the name of a Maine city in battle in World War II; and

WHEREAS, the cruiser USS Portland earned 16 Battle Stars from 1942 to 1945 in World War II, serving from the attack on Pearl Harbor in December 1941 to the Japanese surrender in September 1945 and ranking as one of the most decorated ships of the entire war; and

WHEREAS, the USS Portland was commissioned at the Boston Navy Yard on February 23, 1933 and sailed on her shakedown cruise to South America in April 1933; and

WHEREAS, the USS Portland was diverted from that cruise to search the North Atlantic for the downed United States Navy airship the USS Akron, and in 1937 searched the Northwest Pacific for the lost American aviator Amelia Earhart, actions symbolic of the scores of search and rescue missions the ship undertook in its career; and

WHEREAS, President Franklin D. Roosevelt chose the USS Portland as his flagship and lead gunboat in the 1930s on expeditions to South America, Panama and Alaska; and

WHEREAS, the USS Portland was the first United States vessel to intercept and decode the Japanese orders to attack Pearl Harbor on December 7, 1941 and initiated the first warning; and

WHEREAS, the USS Portland participated in almost every major naval activity in the Pacific Theater in World War II, including the Battle of the Coral Sea in 1942, the Battle of Midway in 1942, the Guadalcanal Campaign in 1942 and 1943, the battle for the Marshall Islands in 1944 and the battles at Leyte Gulf and Luzon in 1944 to 1945, the world's largest sea battle; and the USS Portland took the surrender of Japanese forces at Truk Atoll on September 2, 1945; and

WHEREAS, the USS Portland was known as the "Sweet Pea," defeating 2 Japanese Imperial battleships in close combat and saving hundreds of American sailors in search and rescue missions during 12 years of dedicated service in peace and war, and is recorded as one of the greatest American fighting ships; and

WHEREAS, the USS Portland was decommissioned in 1946; and

WHEREAS, the mainmast and navigation shield of the USS Portland today stand facing the sea atop the Eastern Promenade in the City of Portland, marking as well the United States-Russian North Atlantic Convoy Memorial, symbolizing Maine's history and heritage of "they that go down to the sea in ships, that do business in great waters"; 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 commemorate the 75th Anniversary of the commissioning of the USS Portland, and to honor the memory of her service and the hundreds of sailors and officers who served their country upon her in war and peace.

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

**READ** and **ADOPTED**, in concurrence.

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

**ENACTORS**

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

**Resolve**

Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error  
H.P. 1410 L.D. 2026  
(S "A" S-677 to C "A" H-702)

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Amend the Maine Certificate of Need Act of 2002  
H.P. 1659 L.D. 2301  
(H "A" H-960; S "A" S-661)

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

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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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program"  
H.P. 1484 L.D. 2098

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

Signed:

Senators:  
ROTUNDO of Androscoggin  
MARTIN of Aroostook  
TURNER of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1047)**.

Signed:

Representative:  
ROBINSON of Raymond

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

Reports **READ**.

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

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

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

Senator **BENOIT:** Thank you, Madame President. I'll be brief. I realize that only one person in the committee supported this and it had hours of debate and conversation, so I won't prolong it. I just need to say on the record that this takes \$600,000 from the Fund for a Healthy Maine to provide funding for a cancer prevention program, a program that is going to offer screening and data collection with documented outcomes which we don't have. It particularly targets cancer in colon, skin, and breast. I just have to share a quick story. When I was hairdressing I had a client who was diagnosed with breast cancer. She was an older lady and she made a conscious decision not to have treatment because she was going to choose quality of life over quantity of life and just couldn't put her family through this and didn't want to prolong what she saw was inevitable. If any of you have ever witnessed anything like that, I can tell you it's not pretty. She died within a few months of being diagnosed. I stand before you as a very grateful survivor of cancer. When I was diagnosed I had access to the information that I needed personally and, thankfully, I was able to make that decision, go for treatments, and immediately started my chemotherapy and radiation and stand before you, six years later, cancer free. What the bill is going to do, and what this program offers, is an opportunity to extend the education level out into the state of Maine. If one life is saved because of this I think it's worth considering. I have asked for a roll call because I'd like to go on record supporting this. I think it's a good bill. I think it's a good use of the \$600,000 from the Fund

for a Healthy Maine. If you have it in your heart to support it, I would appreciate it. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. A little less than four years ago I sat with my father day after day as his life ebbed away and he died a horrible death from lung cancer. When this bill came before the Health and Human Services Committee a few days ago I was one of those who voted, as did the majority of our committee, to have this be the number one priority for our Fund for a Healthy Maine recommendations to the Appropriations Committee. It was our number one priority of the various priorities that we considered. I rise to support my good colleague from Sagadahoc, Senator Benoit, and hope that the Senate will join with me in support of this bill.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I doubt that there is a person in this Chamber or the other Body whose family or extended family has not been touched by cancer. The program brought forward under the auspices of the bill is an excellent program. The reason it is before you with a 12-1 Ought Not to Pass recommendation is because there is no money left in the Fund for a Healthy Maine. That's a fact. It's regrettable, but that is the fact. We have talked with the sponsor of the bill and said that some times great ideas take more than one legislative session to become law. The Appropriations Committee, working with our colleagues in the Health and Human Services Committee, will be looking and reviewing all the Fund for a Healthy Maine programs in the ensuing months and hopefully will come forward with a series of rerationalizations and reprioritizations of the demands on this very valuable source of revenue for us. While I am sympathetic to the desire to support the program, there is no funding mechanism that we can reach to. Regrettably, I will be voting against the suggestion from the good Senator from Sagadahoc, Senator Benoit, and ask you to support the motion before us.

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

Senator **BENOIT:** Thank you, Madame President. Respectfully, I say to my good colleague from Cumberland, Senator Turner, that I think that if Representative Robinson from Raymond had voted for this there must be a stipend amount somewhere tucked in there that could cover this. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#468)**

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, HOBBS, NUTTING, PLOWMAN, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, WESTON

**ABSENT:** Senator: SMITH

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 806

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

April 17, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	32
Unanimous Reports	28
Ought to Pass	0
Ought to Pass as Amended	4
Ought Not to Pass	24
Divided Reports	4

Respectfully submitted,

S/Margaret Rotundo  
Senate Chair

S/Jeremy R. Fischer  
House Chair

**READ** and **ORDERED PLACED ON FILE.**

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

**REPORTS OF COMMITTEES**

**House**

**Committee of Conference**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Amend Motor Vehicle Laws"

H.P. 1459 L.D. 2075

Had the same under consideration, and asked leave to report:

That the House **Recede** from **Passage To Be Enacted. Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-913). Recede** from **Adoption of Committee Amendment "A" (H-913)** and **Indefinitely Postpone** same.

That the House **Read** and **Adopt** Committee Of Conference Amendment "A" (H-1045) and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-1045), in Non-Concurrence,**

That the Senate **Recede** and **Concur** with the House.

On the Part of the Senate:

Senator BRYANT of Oxford  
Senator DAMON of Hancock  
Senator RAYE of Washington

On the Part of the House:

Representative MARLEY of Portland  
Representative MAZUREK of Rockland  
Representative BROWNE of Vassalboro

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-1045), in NON-CONCURRENCE.**

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

The Senate **RECEDED** and **CONCURRED.**

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

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

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

**ORDERS**

**Joint Order**

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 933

ORDERED, the House concurring, that the Legislature intends that this order supercede House Paper 1665; and be it further

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," shall meet to study issues related to sex offender registration laws as follows.

1. Convening of committee; meetings. The chairs of the committee shall call and convene the first meeting of the committee, which may be no later than June 15, 2008. The committee may meet 3 times.

2. Duties. The committee's duties include:

A. Using other states' models for tiered systems based on risk and other examples of sex offender classification and

assessment and creating a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify registrants based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;

B. Creating processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information; and

C. Reviewing the current list of registerable sex offenses and determining if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

3. Staff assistance. The Legislative Council shall provide staffing services to the committee.

4. Compensation. Pursuant to Joint Rule 353, members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

5. Report. No later than November 5, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for the consideration of the First Regular Session of the 124th Legislature. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. The joint standing committee of the 124th Legislature having jurisdiction over criminal justice and public safety matters may, pursuant to Joint Rule 353, introduce a bill during the First Regular Session of the 124th Legislature to implement the recommendations on matters relating to the study.

**READ.** Pursuant to Joint Rule 404 a Division was had. 32 Members of the Senate having voted in the affirmative, and no Senators having voted in the negative, and 32 being more than two-thirds of those present and voting, the Joint Order was **PASSED.**

Ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters"

H.P. 1510 L.D. 2131  
(S "A" S-646 to C "A" H-734)

In Senate, April 16, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734) AS AMENDED BY SENATE AMENDMENT "A" (S-646)** thereto, in **NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734) AS AMENDED BY HOUSE AMENDMENT "A" (H-1049)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **MITCHELL** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

**Non-Concurrent Matter**

Bill "An Act To Expedite the Maintenance and Repair of Maine's Transportation Network" (EMERGENCY)

S.P. 932 L.D. 2324  
(H "A" H-1040)

In Senate, April 17, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1040)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-1040) AND "B" (H-1048)**, in **NON-CONCURRENCE.**

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED.**

**Joint Resolution**

The following Joint Resolution:

H.P. 1688

**JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2008 NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO CONSIDER ALTERNATIVE ACTIONS TO ENSURE A HEALTHY SUSTAINABLE GROUND FISHERY FOR NEW ENGLAND**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the delegates to the 2008 New England Fishery Management Council as follows:

WHEREAS, New England has the oldest and richest fishing heritage in the Nation, and it can be said that one of the reasons that New England and the United States itself were founded was the rich fishing grounds off our shores and their abundant populations of cod and other groundfish; and

WHEREAS, the historical abundance of cod in the Gulf of Maine is legendary and is a foundation of Maine's culture and communities; and



WHEREAS, in the last half century, the groundfish stock within the Gulf of Maine has suffered a sad depletion and has not rebounded as it has in other regions, which threatens the economy of Maine's historic fishing communities and inflicts economic hardship on Maine's remaining groundfishing families today; and

WHEREAS, as an indicator of this decline, in the 10 years from 1996 to 2006 the State's active federal fishery permits have declined from 165 to 91, a 45% decline; and

WHEREAS, except for a few businesses left in Portland and Port Clyde that are barely surviving, the State of Maine has lost the shoreside firms that support the groundfish, including ice suppliers, fish buyers and processors, fishing gear shops, bait suppliers, boat repair businesses and trucking firms, and the accompanying added value; and

WHEREAS, the loss of fish and the loss of fishing livelihoods and shoreside business have occurred under the current approach to management, which limits the days fishermen may go to sea, known as "Days at Sea"; and

WHEREAS, "Days at Sea" alone has not, in the judgment of your Memorialists, achieved the primary goal of fisheries management: to ensure the long-term regeneration of an abundance of groundfish in the Gulf of Maine and in the New England region and to thus rebuild the equitable redistribution of our fishery resource among fishing communities and economies; and

WHEREAS, the New England Fishery Management Council requested public proposals for alternative systems of management for the New England fishery to provide for a more sustainable, renewable and equitable distribution of our historic fishery resource; and

WHEREAS, we must take every action possible to bring back the abundance of groundfish to the whole Gulf of Maine, to contribute to the rebuilding of groundfish throughout the New England region and to benefit coastal communities; and

WHEREAS, the region's fishing grounds do possess the ability to recover to historic levels of productivity, and it is necessary to preserve Maine fishermen's opportunities to continue to fish when groundfish stocks are recovered; and

WHEREAS, many Maine communities have lost much of their access to the groundfish industry, and the ongoing erosion of federal groundfish permits and "Days at Sea" have severely restricted the ability of Maine permit holders to fish at all; so few days remaining, as a practical matter, rendering the permits useless and restricting the rights of Maine citizens to fish; and

WHEREAS, community-based initiatives including establishing sectors, permit banking and area management hold a great future hope for recovery of the resource, recognizing as they do the ecological differences between ocean regions and species and emphasizing alignment of economic, ecological and sustainable harvesting interests to ensure a long-term recovery of the fishing business in New England; and

WHEREAS, we cannot sit by and permit our heritage to be lost on our watch and our communities removed from their connection with the sea; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the New England Fishery Management Council commit to establishment of an equitable future distribution and allocation of permits to all qualified Maine fishermen when stocks rebound, to ensure that the benefit of rebuilt groundfish stocks accrued to all Maine fishermen; and be it further

RESOLVED: That We, your Memorialists, request that the allocation process support not only individual permitted fishermen, but also traditional fishing communities and nonprofit community efforts intended to sustain our fisheries and the fishing way of life; and be it further

RESOLVED: That We, your Memorialists, request that the delegates from the State of Maine to the 2008 New England Fisheries Management Council support and actively work for an equitable allocation of future permits to qualified Maine fishermen when stocks rebound, to share the benefit with all Maine fishermen; to ensure that the allocation process benefits both individuals and communities; and to advocate for effective groundfish management through community-based initiatives including establishing sectors, permit banking and area management to benefit all who in days to come shall "go down to the sea in ships, and do business upon the great waters"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to John Pappalardo, Chairman of the New England Fishery Management Council, Rip Cunningham, Chairman of the Multispecies (Groundfish) Committee, Paul Howard, Executive Director of the New England Fishery Management Council, Pat Kurkul, Regional Director of the National Marine Fisheries Service and to each member of the New England Fishery Management Council and each Member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)  
H.P. 1615 L.D. 2252

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1036)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1036) AND HOUSE AMENDMENTS "A" (H-1037), "B" (H-1038) AND "C" (H-1044).**

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

**READ ONCE.**

Committee Amendment "A" (H-1036) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-1037) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-1038) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-1044) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **HOBBINS** of York, Senate Amendment "A" (S-680) **READ**.

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

Senator **HOBBINS:** Thank you, Madame President. This is an inadvertent error that occurred and this amendment adds the Chair of the Shellfish Advisory Council as a member of the Marine Resources Advisory Council. I know that the good Senator who is right next to me from Hancock can answer any questions you might have about this. Thank you.

On motion by Senator **HOBBINS** of York, Senate Amendment "A" (S-680) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103) AND HOUSE AMENDMENTS "A" (H-1037); "B" (H-1038); "C" (H-1044) AND SENATE AMENDMENT "A" (S-680)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

**Resolve**

Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State  
H.P. 790 L.D. 1072  
(H "A" H-662 to C "A" H-644)

Tabled - April 16, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 16, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-644) AS AMENDED BY HOUSE AMENDMENT "A" (H-662)** thereto.)

(In House, April 16, 2008, **FINALLY PASSED**.)

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

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

An Act To Allow Blended Sentencing for Certain Juveniles  
S.P. 691 L.D. 1897  
(C "B" S-415)

Tabled - March 4, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, February 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-415)**.)

(In House, February 28, 2008, **PASSED TO BE ENACTED**.)

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

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

An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others

H.P. 1336 L.D. 1902  
(H "A" H-1007 to  
C "B" H-941)

Tabled - April 15, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-941) AS AMENDED BY HOUSE AMENDMENT "A" (H-1007)** thereto, in concurrence.)

(In House, April 15, 2008, **PASSED TO BE ENACTED**.)

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

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

An Act To Provide a State Income Tax Deduction to Dentists for Military Pensions

S.P. 778 L.D. 1984  
(C "A" S-476)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 26, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476)**.)

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

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

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

An Act To Strengthen the Crime of Visual Sexual Aggression against a Child

H.P. 1465 L.D. 2079  
(C "A" H-690)

Tabled - March 10, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 4, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**, in concurrence.)

(In House, March 6, 2008, **PASSED TO BE ENACTED**.)

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

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

An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry

H.P. 1508 L.D. 2129  
(H "A" H-789; S "A" S-535  
to C "B" H-728)

Tabled - April 4, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728) AS AMENDED BY HOUSE AMENDMENT "A" (H-789) AND SENATE AMENDMENT "A" (S-535)** thereto.)  
(In House, April 4, 2008, **PASSED TO BE ENACTED**.)

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

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

An Act To Protect Parties to Real Estate Transactions

H.P. 1520 L.D. 2140  
(C "A" H-812)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**, in concurrence.)

(In House, April 2, 2008, **PASSED TO BE ENACTED**.)

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

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

**Resolve**

Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education  
H.P. 1549 L.D. 2175  
(C "A" H-825)

Tabled - April 4, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825)**, in concurrence.)

(In House, April 4, 2008, **FINALLY PASSED**.)

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

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

An Act To Increase Public Confidence in Government by Expanding Public Disclosure  
S.P. 838 L.D. 2178  
(H "E" H-959 to C "A" S-523)

Tabled - April 15, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523) AS AMENDED BY HOUSE AMENDMENT "E" (H-959)** thereto.)

(In House, April 15, 2008, **PASSED TO BE ENACTED**.)

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

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

An Act To Protect Consumers' Gift Card Interests  
H.P. 1551 L.D. 2181  
(C "A" H-940)

Tabled - April 11, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-940)**, in concurrence.)

(In House, April 11, 2008, **PASSED TO BE ENACTED**.)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#469)**

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

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

ABSENT: Senator: SMITH

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**Resolve**

Resolve, Regarding the Operations of the Greater Portland Public Development Commission

H.P. 1556 L.D. 2186  
(C "A" H-809; H "A" H-969)

Tabled - April 14, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 11, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AND HOUSE AMENDMENT "A" (H-969)**, in concurrence.)

(In House, April 14, 2008, **FINALLY PASSED**.)

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

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

An Act To Increase Access to Dental Care  
H.P. 1562 L.D. 2192  
(C "A" H-902)

Tabled - April 9, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902)**, in concurrence.)

(In House, April 9, 2008, **PASSED TO BE ENACTED**.)

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

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

**Emergency Resolve**

Resolve, To Assist Maine's Forest Products Industry  
H.P. 1588 L.D. 2222  
(C "A" H-775)

Tabled - March 27, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 25, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**, in concurrence.)

(In House, March 27, 2008, **FINALLY PASSED**.)

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

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The President requested the Chamber Staff escort the Senator from Cumberland, Senator **BROMLEY** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **LYNN BROMLEY** of Cumberland County.

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

An Act To Establish a Uniform Building and Energy Code  
H.P. 1619 L.D. 2257  
(H "B" H-1005  
to C "A" H-983)

Tabled - April 15, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-983) AS AMENDED BY HOUSE AMENDMENT "B" (H-1005)** thereto, in concurrence.)

(In House, April 15, 2008, **PASSED TO BE ENACTED**.)

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I do want to read in the legislative intent on L.D. 2257. I want to read this into the record. My comments deal with the issue of enforcement and the role of municipalities.

The legislature recognizes that enforcement of building codes at the local level is the most efficient and effective means of yielding the public benefits that these codes can provide. It's the intention of this legislature to increase compliance with the Maine Uniform Code in towns over 2,000 by maximizing options for local inspection. The legislature intends for inspection by certified third party inspectors to be an option available for all towns, which will lay the responsibility for inspection on private parties rather than the municipality. Should municipalities elect to use this third party option, it is not the intent of this law to hold municipalities responsible for any act except the receipt and filing of the report of a certified inspector prior to the issuance of a certificate of occupancy. It is not our intent, for example, that municipalities shall be liable for the accuracy of the inspection report. Should municipalities elect to use more direct or intensive enforcement options, such as use of code enforcement officers on payroll, it is our intent that those towns do so at their own cost, which the law allows to be recovered in building permit fees.

Thank you.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I would encourage you to vote against the pending motion. Often times there is a considerable agreement on the underlying uniformity of the code, but as often times happens in the exuberance of the legislative process there is an over-reach and the additional level of mandatory enforcement, energy code, and other components that are built into this entire package, I'm afraid, is an over-reach and will result in severe push back and would request that you oppose the pending motion.

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

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I also wanted to speak against this bill and I will be voting against it as I have all along. In my opinion there is still a mandate on this. I realize there were some words read into the record that is trying to absolve us from that, but that can be challenged at a future date. I expect that someone along the line will. I just want to go on the record as saying that. I guess what troubles me more than anything else is the mandate is being passed on to the contractors and the future homeowners. The opportunity that we're passing for municipalities to pass off that inspection could actually increase the cost of homes. I just want to go on the record as saying that.

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

Senator **SCHNEIDER:** Thank you, Madame President. I had not anticipated speaking again on this bill. However, I do think it's important to note that I think in the long run, and it won't be very long, new homeowners will reap the rewards of this energy code and building code. We know that fuel prices are all too high and they continue to skyrocket. Certainly this will protect future homeowners from those incredibly high utility bills. If by moving this bill forward there is a little bit of extra cost in the initial building it will certainly be made up very quickly, within I believe the first year of home ownership and over the lifespan of that home they will save thousands, if not hundreds of thousands, of dollars. I encourage the passage of this bill. It's been one that has been vetted over many, many years, well before my time in this legislature. It's long overdue. I hope and I urge your passage of this bill.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to be careful with what I say because I'm trying to hide my anger over this particular proposition that is before us. I'll begin by saying I encourage you to support enactment. It's an important piece of legislation. Long overdue. I would further suggest to you that if we had such legislation in place ten, fifteen, or twenty years ago we wouldn't be worried about trying to fund LIHEAP for so many of our low income families and individuals around Maine because they would be in energy efficient homes by this time.

As to the mandate associated with this legislation, the Fiscal Office deemed it to be insignificant. What we are asking the municipalities to do is to open an envelope and read its contents. Significant requirement of energy and money on their part, and I say that in complete jest. I guess in closing I would, as gently as I can, admonish the Maine Municipal Association. After six years as an elected municipal official, I put myself firmly in the camp as a big fan of MMA. That was during the year that Kay Rand, who later became Governor King's Chief of Staff, ran the organization and it was about good government in an integrated fashion

between locals, counties, and the State. That was always at the forefront of her mind and reflected their policies. Somewhere, in my judgment, MMA has lost its way and I see them as an obstruction to good government these days rather than a proponent of good government. I'll simply close by urging you to support the pending motion. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I know a tremendous amount of work has gone into this. I'm particularly supportive of the energy piece of it because I agree with the previous speakers that it will save people money. The reason I opposed it before and will oppose it this afternoon is that the code states that a living space must conform to code prior to occupancy being granted. I have a lot of people in my district that, due to fiscal constraints, kind of build their house and live in it at the same time. I wanted to make sure that they could move out of the basement, which would meet code, and move to the second floor in May and make sure they had it insulated by the first of November. The code, today, does not allow that. I'm very supportive of the sponsors of this bill. They are agreeing with me in that they think that this board that is set up could make that change in the future. I hope, if this bill passes and I think it will, that this change will be made in the future to accommodate people trying to build a home and maybe not do it in the standard way where you hire somebody to build it and then move in. That works for a lot of people, but it doesn't work for everybody. I understand. I don't want somebody to be allowed to move into a space in November if it's not up to code. Over the course of the summer I'm hoping the board can make these changes to this code to allow somebody to make sure it's up to code by the first of November when they are living in the current space. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I just wanted to briefly state for the record that this code would not prohibit someone who is building their own home to live in it during that process. Indeed, someone building their own home would have exemptions from the codes. There is nothing in this proposal that we are passing that would prevent the concerns raised by the good Senator from Androscoggin, Senator Nutting. I wanted to make sure this was clearly articulated for the record. Thank you.

**THE PRESIDENT PRO TEM:** 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 (#470)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MILLS, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, EDMONDS

NAYS: Senators: BRYANT, HASTINGS, MCCORMICK, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SNOWE-MELLO, WESTON, THE PRESIDENT PRO TEM - LYNN BROMLEY

ABSENT: Senator: SMITH

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

The President Pro Tem requested the Chamber Staff escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Chamber Staff escorted the Senator from Cumberland, Senator **BROMLEY** to her seat on the floor.

Senate called to order by the President.

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

An Act Establishing an Outdoor Wood Boiler Fund  
S.P. 891 L.D. 2263  
(C "A" S-567)

Tabled - April 10, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-567).**)

(In House, April 10, 2008, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#471)**

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

NAYS: Senators: None

ABSENT: Senator: SMITH

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (4/11/08) Assigned matter:

HOUSE REPORTS -from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Reorganization of School Administrative Units" H.P. 1646 L.D. 2281

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

Report "**B**" - **Ought to Pass** (5 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "A" (H-815)** (2 members)

Tabled - April 11, 2008, by Senator **BOWMAN** of York

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**

(In House, April 9, 2008, Report "**B**", **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-985).**)

(In Senate, April 11, 2008, Reports **READ.**)

Senator **BOWMAN** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**.

Same Senator moved the Senate **ACCEPT** Report "**B**", **OUGHT TO PASS**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#472)**

YEAS: Senators: BOWMAN, DAMON, DOW, GOOLEY, HASTINGS, MARRACHE, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, WESTON

NAYS: Senators: BARTLETT, BENOIT, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DIAMOND, HOBBS, MARTIN, MCCORMICK, MILLS, MITCHELL, PERRY, ROTUNDO, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SMITH

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BOWMAN** of York to **ACCEPT** Report "**B**", **OUGHT TO PASS**, in concurrence, **FAILED**.

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

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

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

Senator **NASS:** Thank you, Madame President. If I could pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **NASS:** Thank you, Madame President. If I was interested in voting for a repeal, is that not Report "C"? Therefore, would I want to vote against the current motion?

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

Senator **NUTTING:** Thank you, Madame President. I may not be correct, but I thought we just voted on repeal because that was Report "B". In the other Body Report "B" was amended with House Amendment "A" which was to repeal. We just voted on repeal I think.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Bowman to Indefinitely Postpone the Bill and accompanying papers. 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 (#473)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, PERRY, ROTUNDO, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DOW, GOOLEY, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, WESTON

ABSENT: Senator: SMITH

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BOWMAN** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/10/08) Assigned matter:

HOUSE REPORTS -from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units" (EMERGENCY)

H.P. 1645 L.D. 2280

Report "**A**" - **Ought to Pass** (10 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "A" (H-814)** (2 members)

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

Tabled - April 10, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** Report "**A**", **OUGHT TO PASS**, in concurrence

(In House, April 9, 2008, Report "**A**", **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 10, 2008, Reports **READ**.)

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

Sent down for concurrence.



Senate at Ease.

Senate called to order by the President.

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

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

Senator **BENOIT** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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

**Emergency Measure**

An Act To Restore Positions in the Office of Program Evaluation and Government Accountability

H.P. 1667 L.D. 2307  
(S "D" S-639; S "F" S-659)

Tabled - April 18, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 17, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "F" (S-659)**, without reference to a Committee, in **NON-CONCURRENCE**.)

(In House, April 17, 2008, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#474)**

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

NAYS: Senators: None

ABSENT: Senator: SMITH

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

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

Bill "An Act To Promote Residential and Commercial Energy Conservation"

S.P. 841 L.D. 2179

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

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers

(Received by the Secretary of the Senate on April 4, 2008, pursuant to Joint Rule 309.)

On motion by Senator **BROMLEY** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**.

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 (4/11/08) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors"

H.P. 756 L.D. 1038

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-978)** (8 members)

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

Tabled - April 11, 2008, by Senator **BROMLEY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 11, 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-978) AS AMENDED BY HOUSE AMENDMENT "A" (H-997)** thereto.)

(In Senate, April 11, 2008, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-978) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-978), in **NON-CONCURRENCE**.

House Amendment "A" (H-997) to Committee Amendment "A" (H-978) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-978) as Amended by House Amendment "A" (H-997) thereto, **ADOPTED**, in concurrence.

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. It's been on the table a while and we have all sort of forgotten what it was about. When this bill started it was a full blown licensing program for home builders and contractors. As you all know, the debate has long been that we really can't have contractor licensing until we have a building code. We soon, hopefully, will. It was part of the discussion in the BRED Committee that we certainly did not want to do this in one fell swoop and it would make sense, at least in the other Body, to amend it to turn this into a Resolve to look at how this would be done now that we likely have a building code. I would just urge you to support this.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just want to make it real clear that this is fine. It's been a little confusing today. What it actually does, with the amendment, is authorize the Department of Professional and Financial Regulation to study the issue and bring a proposal back to the Second Regular Session of the 124<sup>th</sup> Legislature. Thank you.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-978) AS AMENDED BY HOUSE AMENDMENT "A" (H-997)** thereto, in 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:

#### **ENACTORS**

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

#### **Acts**

An Act To Amend Motor Vehicle Laws

H.P. 1459 L.D. 2075  
(CC "A" H-1045)

An Act To Implement the Recommendations of the Tribal-State Work Group

H.P. 1587 L.D. 2221  
(C "A" H-1043)

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

#### **ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/16/08) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

S.P. 925 L.D. 2315

Tabled - April 16, 2008, by Senator **MARRACHÉ** of Kennebec

Pending - motion by same Senator to **ADOPT** Senate Amendment "A" (S-650) to Committee Amendment "A" (S-630) (Roll Call Ordered)

(In Senate, April 16, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-630) **READ**. On motion by Senator **MARRACHÉ** of Kennebec, Senate Amendment "A" (S-650) to Committee Amendment "A" (S-630) **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#475)**

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, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senator: SMITH

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARRACHÉ** of Kennebec to **ADOPT** Senate Amendment "A" (S-650) to Committee Amendment "A" (S-630), **PREVAILED**.

Committee Amendment "A" (S-630) as Amended by Senate Amendment "A" (S-650) thereto, **ADOPTED**.

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

Senator **MARRACHÉ:** Thank you, Madame President, men and women of the Senate. I know we talked about this a while ago, but I've got some more information and I did have it distributed to your desks. Three blue sheets. It will just provide you with a little more information on absentee balloting. We did a pilot project for early voting and we utilized the absentee balloting information that we collected and a report came back April 1<sup>st</sup>. They did three cities; Bangor, Portland, and Readfield. Out of the three cities that did it we had 1,602 people do early voting. They sent out a survey to all those who participated in early voting. As you can see on the form that I put on your desks, they were very favorably reviewed by those who did the early voting. In fact, 1,069 of them said they liked it because it was convenient to their schedule and another 492 said they also avoided the polls on election day, which is something a lot of people don't like having to deal with. Many of them did suggest some changes, and that is on the third sheet that I gave you. The big ones were that they wanted to see it advertised more, the time expanded, and the facilities enhanced. They were actually positive remarks back to us. They did like early voting and they would just like to see more of it. Only three said they hated the early voting, which was kind of funny because they used the early voting. What you would find is that out of all the people who did absentee balloting 46% of them actually did it in person. These are the very people that early voting will help so that they can go in and actually cast a ballot right then and there. The clerks have asked us for a number of years to make it easier for them. I heard a discussion earlier about how this was a disparity between smaller towns and larger cities. I would say that this actually helps even the playing field because in small towns you are not going to have the enormously long lines that disenfranchises people who can't wait that long, whether for health reasons, work reasons, or what have you. If large cities were able to come together and come up with an early voting plan, which would be approved by the Secretary of State,

this would allow them to expand their hours, provide more access for people, and make election day a lot more convenient and easy and get out voting right where it should be. I encourage you to vote for this.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#476)**

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, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senator: SMITH

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630) AS AMENDED BY SENATE AMENDMENT "A" (S-650)** thereto.

Sent down for concurrence.

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

\_\_\_\_\_  
Senate at Ease.

\_\_\_\_\_  
Senate called to order by the President.

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later (4/17/08) Assigned matter:

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 1531 L.D. 2151  
(C "A" H-854; S "B" S-557)

\_\_\_\_\_  
Tabled - April 17, 2008, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **ADOPT** Senate Amendment "D" (S-653)(Roll Call Ordered)

(In House, April 2, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854).**)

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

(In House, April 9, 2008, that Body **INSISTED.**)

(In Senate, April 17, 2008, on motion by Senator **PERRY** of Penobscot, **RECEDED** from **ADOPTION** of Senate Amendment "A" (S-537) and **INDEFINITELY POSTPONED** same.)

Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "D" (S-653).

On further motion by same Senator, Senate Amendment "E" (S-688) **READ.**

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

Senator **PERRY:** Thank you, Madame President. I think some of you folks may recall this issue. We've been around on this a few times. It's back to that minor change bill that we had. Two issues. We separated on one. Both sides agreed to pull out. The other issue was the estate tax. The Maine Revenue is bound by these federal closing letters and having to sign off of them. Many times they don't even know there is a federal closing letter that has been granted to someone. They are in the middle of an audit. They are shown the federal closing letter and that's it, their work is over with. It is kind of a new ruling, a determination from one of the lawyers in-house. This bill did seek to change that. Originally it said that from the time they file the return or the due date nine months later after death, which ever is longer, Maine Revenue has three years statute of limitations plus one year after there is any federal determination. They get an extra year. We stripped that all out. I took very seriously the concerns I heard from all the practitioners here and wanted to find a suitable solution. I am not sure we're there, but about an hour ago I was threatened within an inch of my life to get this amendment in time and up here or we were going to be stuck with the amendment that was pending that, in the practitioners' minds here in the Senate that I had been working with, was certainly worse than this. I don't know if we have accomplished getting everyone on board, but I'll tell you what this is. It simply says that they have got two years from the time they file or when the report is due. That's it. No extensions after that. No nothing. Two years. That's the amendment. I think we ought to adopt it. 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. I think we should all get an 'A' for effort here. We should anyways. We made a significant attempt again last night, for those folks who were here and understand this

arcane tax issue. I'm not one of them, so I'm along for the ride here. This still doesn't do it. The risk here is that we are going to do something today by adopting this and it's going to be very costly to undo. Our last attempt was to put a sunset on this. We did make some changes. I will agree with the Senate Chair that they have shortened the period of time. What is most disturbing to me is that it appears that the Executive Director of Maine Revenue Service is driving policy here. I think the most negative thing I can think about this. This is our decision to make about what you want the estate tax to be and the effect it's going to have on your constituents. If you vote for this today and it turns out not to be the right thing, and I'm not sure we know that yet, it's going to be very expensive to change it. That means we have to come up with the money, and it will be big, to make changes to this. We are on the wrong side of this issue. I am urging you to vote against the proposal. If we have to let this bill sink I'm willing to do that at this point. I will guarantee you that before we go home somebody's going to come crashing in here and allow us to put a sunset on this. Vote against this now so we can protect ourselves and our constituents before we go home. Thank you.

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

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. Ditto. I won't go through the arguments again. You've heard them before. There was a simple sunset measure proposed last night. I do applaud the Senator from Penobscot, Senator Perry, for his efforts for working with this. If the Revenue Services had simply agreed to a sunset it would have allowed us to bring this issue back next session, deal with it with all interests involved in a deliberative manner, and resolve it without the threat of a huge fiscal note. I'm just shocked and I think it speaks of an apparent arrogance of the Revenue Services that they would do this and not allow that to happen and try to force the issue. Once this is done we cannot fix it. I urge you all to vote against the current motion. Thank you.

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

Senator **PERRY:** Thank you, Madame President. I can assure you the Director of Maine Revenue is not driving policy. I'm trying to find a compromise that meets the needs of Maine Revenue and the concerns of folks who are practicing. We get together. We have gotten together a number of times to come up with something that seems like it's going to work. I've gone back to Maine Revenue and they had concerns. We've gone back and forth. We've come to the end of the line. We've basically cut what Maine Revenue wanted in half. They gave up another year in exchange for the sunset. That was the discussion I had with them. I truly believe the sunset is really almost immaterial. I realize if we try to pare this back further there will be a fiscal note that is probably insurmountable, but with a sunset any extension beyond that would be a revenue raiser and with what I'm sure would be substantial structural gaps in the future. This revenue raiser, out there and available, I suspect would turn up anyhow and it would not be a two year statute of limitations. It would be the whole enchilada. I think we've made a pretty good compromise here and I'll be voting for it. Thank you.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I will vote for the amendment merely because it is an improvement over what is in the committee version of the bill. I may choose to vote against the bill on Enactment, but in any case I wanted to explain my vote and indicate that I am not parting company with some of the previous speakers who indicated that they will oppose this amendment. It's not the right vote for me. I would also say, on the record, that it would help matters a great deal if the Maine Internal Revenue Service would adopt a parallel to the federal process of issuing a letter to somebody, particularly in smaller estates, promptly saying the estate is cleared, that they had taken a look at the valuations, and it is okay for them to close this estate, distribute the money to the brothers, sisters, nephews, nieces, and charities that are waiting for it, and wrap it up. The amendment that lies before you will pretty much require that all estates in Maine of any size will have to stay open for two years and nine months before anybody can close. That means somebody has to leave \$50,000 or \$100,000 sitting around in a 2% interest savings account while the siblings and the other people are waiting for the money. They will be complaining that it's all the lawyer's fault. 'You lawyers are hanging onto our money.' 'What is that \$100,000? Is that your closing fee?' We have to live with these things. It's okay to hold things up for a while, but three years, which is in the bill, is way too long. Two years, in the amendment, is only 2/3 as bad. It would help us all if the Revenue Service would design a little letter process like the feds do and they could issue a letter maybe three months after you filed the return saying that everything looks fine and to go ahead and close it. That's my speech. Thank you.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I just want to comment on this as just an average citizen that's not a tax attorney, not an attorney of any kind, but someone, I'm sure, like many of you that has probably been in the position of acting as the personal representative for an estate for a family member. I have and I'm sure most of you have. We had a discussion the other day about these huge estates. This was sort of the millionaire's issue, this estate tax implication. I think you understand that this is very much an issue that hits a lot of families in this state. When somebody passes and they own a house. We talked about property valuation increases and what that has done to impact local taxes. It's the same thing on many of these estates. All of a sudden the value of that house, the value of that small business, or the value of that camp out on the lake, when you tally it up, the next thing you know you have an estate of some size. You are the PR and you've got to deal with it. You've got to go through the process and satisfy whatever requirements of the law and pay the tax. The key thing is that you come to some conclusion, that it's done and you have confidence that you can move on. The idea that the personal representative, the potential heirs, and the family members will add another two years onto that process before they are able to really sign off with confidence is very unnerving and will impact average people in this state. I ask you to seriously consider your vote on this.

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 Penobscot, Senator Perry to Adopt Senate Amendment "E" (S-688). 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 (#477)**

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

**NAYS:** Senators: BENOIT, COURTNEY, GOOLEY, HASTINGS, HOBBS, MCCORMICK, NASS, PLOWMAN, ROSEN, SAVAGE, SHERMAN, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

**ABSENT:** Senators: BROMLEY, SMITH

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **PERRY** of Penobscot to **ADOPT** Senate Amendment "E" (S-688), **PREVAILED**.

On motion by Senator **DOW** of Lincoln, 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 Passage to be Engrossed as Amended by Committee Amendment "A" (H-854) and Senate Amendments "B" (S-557) and "E" (S-688), in Non-Concurrence. 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 (#478)**

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

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

ABSENT: Senator: SMITH

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "E" (S-688), in NON-CONCURRENCE, FAILED.**

(See action later today.)

Senate at Ease.

Senate called to order by the President.

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

An Act To Make Capital Rail Improvements for Economic Development Purposes

H.P. 1403 L.D. 2019  
(C "A" H-906)

Tabled - April 14, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)**, in concurrence.)

(In House, April 14, 2008, **PASSED TO BE ENACTED.**)

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

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

An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use

H.P. 279 L.D. 349  
(C "B" H-668)

Tabled - February 26, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, February 12, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-668)**, in concurrence.)

(In House, February 25, 2008, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-668)**, 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 "B" (H-668) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-689) **READ** and **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-689)**, in **NON-CONCURRENCE.**

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 Implement the Recommendations of the Human Trafficking Task Force

H.P. 360 L.D. 461  
(C "B" H-686)

Tabled - March 10, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 4, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-686)**, in concurrence.)

(In House, March 6, 2008, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-686)**, 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 "B" (H-686).

On further motion by same Senator, Senate Amendment "A" (S-690) to Committee Amendment "B" (H-686) **READ** and **ADOPTED**.

Committee Amendment "B" (H-686) as Amended by Senate Amendment "A" (S-690) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-686) AS AMENDED BY SENATE AMENDMENT "A" (S-690)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith 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:

**Emergency**

An Act To Meet the Emergency Needs of Maine Veterans  
S.P. 779 L.D. 1985  
(C "A" S-468)

Tabled - March 31, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 20, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)**.)

(In House, March 31, 2008, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)**.

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" (S-468).

On further motion by same Senator, Senate Amendment "A" (S-691) to Committee Amendment "A" (S-468) **READ** and **ADOPTED**.

Committee Amendment "A" (S-468) as Amended by Senate Amendment "A" (S-691) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) AS AMENDED BY SENATE AMENDMENT "A" (S-691)** thereto, in **NON-CONCURRENCE**.

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 Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State

H.P. 1481 L.D. 2095  
(S "A" S-612 to C "A" H-901)

Tabled - April 15, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901) AS AMENDED BY SENATE AMENDMENT "A" (S-612)** thereto.)

(In House, April 15, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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-901) as Amended by Senate Amendment "A" (S-612) thereto.

On further motion by same Senator, Senate Amendment "B" (S-692) to Committee Amendment "A" (H-901) **READ**.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I'm going to ask you to just take a moment and consider what this proposal before us will be authorizing. This is a proposal to launch collective bargaining for childcare workers, independent, small business, childcare providers in this state, to be organized and to be represented before the State for purposes of collective bargaining. This is a significant and I would say fairly monumental proposal. One that certainly should cause some pause to understand the full consequences of what is before us today. I would urge, when we get to the point of final enactment, that this be rejected for a variety of reasons; potential cost to the taxpayers being one significant one.

We went through the process of dealing with the supplemental budget and the corrections to bring our State biennial budget back into balance. Several steps were taken that were a continuation of a policy that was launched a few years ago, which was to have the State begin to extract itself from the direct delivery of social services. In this current supplemental budget the Elizabeth Levinson Center in Bangor, one of the last State operated long-term care facilities, was privatized. Last year it was the facility in Freeport and before that it was the facility in Presque Isle. It was part of a policy where the State has been transitioning itself into a mode of providing assistance for services, providing licensing and certification for the delivery of those services, but getting out of the business of providing them directly. This, some would argue, is not the provision but it is taking us in a direction that independent small business operators and childcare providers are now being swept in and represented for collective bargaining purposes when it comes to negotiations with the State of Maine and has significant consequences. I understand the motivation. We're in an era when the public sector delivery of services, like any service industry, is finding less and less opportunities when it comes to expansion of jobs. Technologies and efficiencies are providing fewer opportunities for greater numbers. To reach for new membership is certainly understandable.

I had a phone call from an independent childcare provider in my district who had contacted me a couple of weeks ago and left several messages encouraging me to support this measure. She called the other day and was quite urgent that she needed a response. She needed me to call her back. She said, 'I'm sorry but I've changed my position. I can't support this.' The reason was because she misunderstood what she thought she was supporting. She was under the impression that this was an organization that would essentially be a provider organization similar to other advocacy and private provider advocacy organizations that would come and testify before a committee and offer input in rulemaking and so on and so forth. She didn't seem to be aware that this was, in fact, a collective bargaining arrangement with dues required and participation and went beyond the scope of what she thought she understood. She felt responsible. She said, 'I feel as though I have encouraged action in terms of having this proposal move forward when I misunderstood. I'm asking you now to please not support it.'

We see here all the time outside, private provider associations that come before the legislature and represent their positions and do so very effectively. There are several. Long-term care is a good example of an industry that is heavily dependent on the State, 85% or more of residents in long-term care facilities are funded by the State. Yet these are privately operated, some for profit and some not for profit, institutions with employees of those institutions and facilities that have come together and formed a collective association to represent their interests. That seems to be a very successful model. This, on the other hand, is a very dramatic, new alteration in a different direction that has been rejected in other states. The Governor of California, I think, just vetoed this proposal in his state because of the potential cost. For all those reasons that I've mentioned, it would be my argument to you that we reject this proposal.

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

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Adopt Senate Amendment "B" (S-692) to Committee Amendment "A" (H-901). 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 (#479)**

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

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

**ABSENT:** Senators: BROMLEY, SMITH

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **ROTUNDO** of Androscoggin to **ADOPT** Senate Amendment "B" (S-692) to Committee Amendment "A" (H-901), **PREVAILED**.

Committee Amendment "A" (H-901) as Amended by Senate Amendments "A" (S-612) and "B" (S-692) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901) AS AMENDED BY SENATE AMENDMENTS "A" (S-612) AND "B" (S-692) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Invest in Maine's Young Children  
H.P. 1671 L.D. 2311

Tabled - April 11, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence



(In Senate, April 8, 2008, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 10, 2008, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-695) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-695)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1615 L.D. 2252  
(C "A" H-1036; H "A" H-1037;  
H "B" H-1038; H "C" H-1044;  
S "A" S-680)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

S.P. 925 L.D. 2315  
(S "A" S-650 to C "A" S-630)

In Senate, April 18, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630) AS AMENDED BY SENATE AMENDMENT "A" (S-650)** thereto.

Comes from the House, RESOLUTION and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **MARRACHÉ** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

**ENACTORS**

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

**Acts**

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

H.P. 1510 L.D. 2131  
(H "A" H-1049 to  
C "A" H-734)

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

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An Act To Expedite the Maintenance and Repair of Maine's Transportation Network

S.P. 932 L.D. 2324  
(H "A" H-1040; H "B" H-1048)

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I would encourage your support of this bill.

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

**THE PRESIDENT:** The 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 (#480)**

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

NAYS: Senators: NASS, SNOWE-MELLO, TURNER

ABSENT: Senator: SMITH

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

**Resolve**

Resolve, Directing the Department of Professional and Financial Regulation To Study the Issue of Residential Contractor Licensing  
H.P. 756 L.D. 1038  
(H "A" H-997 to C "A" H-978)

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

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **HOBBS** of York, the Senate **RECONSIDERED** whereby the following **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "E" (S-688)**, in **NON-CONCURRENCE**:

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 1531 L.D. 2151  
(C "A" H-854; S "B" S-557)

(In House, April 2, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)**.)

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

(In House, April 9, 2008, that Body **INSISTED**.)

(In Senate, April 17, 2008, on motion by Senator **PERRY** of Penobscot, **RECEDED** from **ADOPTION** of Senate Amendment "A" (S-537) and **INDEFINITELY POSTPONED** same.)

(In Senate, April 18, 2008, Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "D" (S-653). On further motion by same Senator, Senate Amendment "E" (S-688) **READ** and **ADOPTED**. **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "E" (S-688)**, in **NON-CONCURRENCE, FAILED**.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "E" (S-688)**, in **NON-CONCURRENCE**.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

An Act To Promote Municipal Wind Generation Development  
S.P. 893 L.D. 2266  
(H "A" H-986 to C "A" S-579)

Tabled - April 14, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579) AS AMENDED BY HOUSE AMENDMENT "A" (H-986)** thereto.)

(In House, April 14, 2008, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579) AS AMENDED BY HOUSE AMENDMENT "A" (H-986)** thereto.

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" (S-579) as Amended by House Amendment "A" (H-986) thereto.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-986) to Committee Amendment "A" (S-579) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-698) to Committee Amendment "A" (S-579) **READ** and **ADOPTED.**

Committee Amendment "A" (S-579) as Amended by Senate Amendment "A" (S-698) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579) AS AMENDED BY SENATE AMENDMENT "A" (S-698)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Restore Benefits under the Circuitbreaker Program  
S.P. 921 L.D. 2305  
(S "A" S-617)

Tabled - April 15, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-617).**)

(In House, April 15, 2008, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-617).**

On further motion by same Senator, Senate Amendment "B" (S-693) **READ.**

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

Senator **ROSEN:** Thank you, Madame President. Regarding Senate Amendment "B", the Senate Amendment talks of an additional transfer of \$10 million to the Budget Stabilization Fund from the uncommitted appropriated surplus as it relates to the transfer to MaineCare for the hospital payments. Perhaps the sponsor of the amendment could elaborate on precisely what the design of this amendment is and how it impacts the budget. 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. First of all I want you to know that this amendment was unanimous. It was designed to capture any surplus revenue that we might have at the end of the year and put aside a little bit, given the price of oil and gasoline. We thought we might want to put a little bit aside at the end of the fiscal year, so we changed that language and it goes into the Budget Stabilization Fund.

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "B" (S-693) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-617) AND "B" (S-693)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Stimulate Capital Investment for Innovative Businesses in Maine

S.P. 929 L.D. 2320

Tabled - April 14, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2008, **PASSED TO BE ENGROSSED.**)

(In House, April 14, 2008, **PASSED TO BE ENACTED.**)

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

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

On further motion by same Senator, Senate Amendment "A" (S-694) **READ** and **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-694), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (4/14/08) Assigned matter:

Bill "An Act To Promote Filmmaking in the State"  
H.P. 1680 L.D. 2319

Tabled - April 14, 2008, by Senator **STRIMLING** of Cumberland

Pending - **REFERENCE**, in **NON-CONCURRENCE**

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

(In House, April 11, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-697) **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 York, Senator Nass.

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. Just to give some background on this, this late session bill came in that sought to provide some tax support, apparently, for a film in Franklin County. I just want to comment that this is certainly an improvement. At least it looks like a tax credit now. Just so everybody knows, we have a tax credit system for films. It's 10% to 12% of payroll. This is a 50% of payroll, it looks like. Just so everybody knows what we are doing here tonight. We're getting a film off the ground, apparently, in Franklin County if everybody agrees to this and give the Chief Executive the opportunity to help out with this. It appears, Madame President, that our film tax credit needs updating, as we did with the historic tax credit this year. That's fine. This is really a backdoor job and it's questionable, in my mind. It's an improvement from what we had initially. Thank you.

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. Just a few words about this. The film industry is waiting on the pass or fail. They are right on the edge. They keep coming into the state. They get a little piece of work here and there, but nothing that they can really call film industry in Maine. I'm not sure why the film commission wasn't down here lobbying, quite frankly. I'm very disappointed in them. I think that they should have been right here, working with us on this and helping us understand, if this group went to them first, why they were not here working on it with us and why they were turned away if they did do that. It's my understanding that they tried to go through the avenues that we have available and either their calls were not returned or they were ignored. I really believe that this is an opportunity. I understand that it is an isolated piece of work, but this is a Maine-based story. It's written by a young gal who grew up in Maine. I think that it's an opportunity for us to say to the film industry, that is waiting to see what we're going to do to become competitive with every state that's around us, that we understand that we need some work here and we're willing to take the first few steps. This isn't going to cost us anything unless they come up and do the work. They have to make the first move. They have got to put their money right on the table and say they are going to invest in this project. They can go to the Governor and they can say that this is what they are going to do if we're not in session. Otherwise, we can deal with it. I think that I agree to a certain degree with the Senator from York, Senator Nass, when he says that this is kind of backdoor. Yes, it could appear to be that. I think that we need to take the step and we need to just offer this and be pleased with ourselves for saying to the film industry that we want them in our state and we want them to invest in our communities. I know in Phippsburg, as a small business owner in Bath, when we filmed Head Above Water and Message in a Bottle I have never seen so many people in the area just looking for a glimpse of Kevin Costner and Robin Wright. I rented my summer home out. I've got a little cottage on the edge of my property. I rented it out to one of the costumers for more money than I probably would ever make renting it out for a season in Maine. They spend serious money when they come in. All local caterers were used. It's not always just outside people coming in and setting up shop and we get little tidbits here and there. Serious money was spent in Phippsburg and the surrounding towns while those projects were going. I would hate to see us miss this opportunity because of \$800,000 that's being offered. They have to spend the money in order to get it. If they don't spend it, if they don't show up, if they can't get the money for the investing, we are out nothing. All we've done is say to the film industry that we think that we really want to be a part of what they are working on and to come to the table and work together. I urge you to please support this. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. Very quickly. I know the hour is late and we want to go home. This is different from the original proposal. What we tried to do, it is targeted, obviously, that is clear. It is targeted in such a way that when an application is made it would require the approval of the Governor

so there won't be any problem. It's clearly an attempt. Our system is not working. I think it's worth a try. I will simply add this, I remember how upset I was when Walden Pond got filmed outside of this state. We ought not to forget this. We could have had it here if we had had a better system.

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

Senator **GOOLEY:** Thank you, Madame President. I want to say a few words about this subject. I do know the principles in this film company. I've known the family for years. This bill, L.D. 2319, is all about promoting rural western Maine and tourism. Tourism is our second biggest industry in the state of Maine. We have to keep producing media information to bring the tourist in. Tourism is important to western Maine and the media is very important in gaining vacationers.

The tax credits come in here too. They are important in this endeavor. The film company, in this request, has roots in Maine and has been in the film business in the Hollywood area. They now reside near Farmington and it doesn't get any better than that. We have some professionals here. We'd like to keep them here so they can promote Maine. They say there is heavy competition in the PR business and they want to remain in Maine. These people have told us that. They want to promote the scenic and historic value. We have an opportunity to promote the tourism industry and I hope you will support this L.D.

Lastly, I'd just like to say that this venture will be at the discretion of the Governor for him to approve or disapprove. I hope you will approve it. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just want to voice a few concerns about this. I think, first of all, that this is an earmark on the last night of session that we are putting through. I know down in Washington we get criticized for that a little bit. It would seem to me that if we're going to do something for the film industry that we look at the industry rather than try to carve out an earmark. I think that doing this and not doing it through the regular process doesn't really do it justice, in my opinion.

I'm not sure, and maybe somebody can answer this later on, the Governor's discretion. I'm trying to read through this. Is that a common practice with economic development, that we leave it up to the Governor's discretion to move something forward? I guess that raises some concern as well.

Finally, we're taking money for the film company. What about the things down on the table? There is one that is near and dear to me, the small business equipment tax repeal so we could do something for the little companies, the Mom and Pop convenience stores, across the state that we did for the big companies. Yet we seem to be able to carve out an 11<sup>th</sup> hour earmark but leave that on the table and we're never going to get to vote on that. That is why I cannot support this. Thank you, Madame President.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I hate this phrase when it comes up, I hadn't intended to speak, but I really hadn't until I heard the Senator from Sagadahoc, Senator Benoit, make her comments. I need to make some comments also with regard to the Senator from York, Senator Courtney's comments in terms of the 11<sup>th</sup> hour earmark. That is a concern for me too. I really do appreciate that. I think that we ought to be approaching this in a more aggressive manner outside of this Chamber. I don't know what the organization is, whether it is a film counsel, if we have such a thing, the economic development counsel, the tourism industry, or whatever it is. It ought to have a more aggressive approach to this because I do believe that the film industry is moving forward. The good Senator from Sagadahoc, Senator Benoit, talked about how we're on the cusp of moving forward here.

We have great opportunities for films and film industries in this state. The first one that I recall was one called Deep Waters. It was an adaptation of a friend of mine's book. Ruth Moore wrote Spoon Handle. It featured Vinalhaven and then Rockland. There was that filming and that production. Sometime later followed by Peyton Place in Camden. It goes on and on and on. The Man Without a Face. In my area, back on Mt. Desert Island, The Pet Cemetery with Stephen King. All of the business that is generated from that business, that filming. Personally, I was just starting a company. A small company called Mt. Desert Spring Water. A bottled water company. Our very first customer was Four Star Catering. That was the catering company for this movie. It spreads, and it spreads quickly. I think it's an area that we really ought to look at. I do have the concern of the Senator from York, Senator Courtney, however, I would like to see this move forward at this time and will be supporting the amendment.

There is one other thing that I need to say, though. We're talking about films and feature films. We also have the opportunity for, and we have in this state, production companies that make films and make documentaries and make television shows. There is one I want to mention on the record. A company called Persistence Media who has an idea that they want to have a show called 'Relentless Quest, the World's Fastest Lobster Boat'. As a matter of fact, the filming has almost been completed and the idea has been pitched and received to Discovery HD Channel. If any of you have ever seen the series about crab fishing in the Bering Sea. I think it's called 'The World's Deadliest Catch'. You know how transfixed you are when you watch that. The same idea can happen with lobster boat races. Though that's not the bill, the issue is being able to use Maine and to be able to feature Maine. This would be a series that would have Maine as its backdrop for its entire run. Then it would have the boatbuilding industry with the lobster boats that are built in Maine. We talk about tourism as part of our economy. Certainly a part of our manufacturing economy that is left and that is flourishing and that can flourish even more is our boatbuilding. When you can put those two together and have it on a national/international stage as a weekly show, we ought to be doing it and we ought to be doing this.

I couldn't agree more with the good Senator from York, Senator Courtney, in terms of how this is coming about. I am going to swallow that right now and I am going to vote for this motion, but we ought to actively support, encourage, and demand that the monies that we put into our tourism industry and our filming industry be utilized to bring these projects to Maine as part of our economic development. Thank you, Madame President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Adopt Senate Amendment "A" (S-697). 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 (#481)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HOBBS, MARTIN, MCCORMICK, MILLS, NUTTING, PERRY, PLOWMAN, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, HASTINGS, MITCHELL, NASS, ROSEN, ROTUNDO, SNOWE-MELLO, STRIMLING, TURNER

ABSENT: Senators: MARRACHE, SMITH

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MARTIN** of Aroostook to **ADOPT** Senate Amendment "A" (S-697), **PREVAILED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-697)**, without reference to a Committee, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 1531 L.D. 2151  
(C "A" H-854; S "B" S-557;  
S "E" S-688)

Tabled - April 18, 2008, by Senator **HOBBS** of York

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "E" (S-688)**, in **NON-CONCURRENCE**

(In House, April 2, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)**.)

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

(In House, April 9, 2008, that Body **INSISTED**.)

(In Senate, April 17, 2008, on motion by Senator **PERRY** of Penobscot, **RECEDED** from **ADOPTION** of Senate Amendment "A" (S-537) and **INDEFINITELY POSTPONED** same.)

(In Senate, April 18, 2008, Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "D" (S-653). On further motion by same Senator, Senate Amendment "E" (S-688) **READ** and **ADOPTED**. **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "E" (S-688)**, in **NON-CONCURRENCE, FAILED**.)

On motion by Senator **PERRY** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "E" (S-688) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "F" (S-696) **READ**.

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

Senator **PERRY:** Thank you, Madame President. It's a rough bunch I negotiate with over there. It's a pleasure coming half way and then half way again, but I think we're there and I urge your support.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. That's not my version of what happened, but I urge everybody to support this effort. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "F" (S-696) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "B" (S-557) AND "F" (S-696)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Meet the Emergency Needs of Maine Veterans  
S.P. 779 L.D. 1985  
(S "A" S-691 to C "A" S-468)

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

**Emergency Measure**

An Act To Restore Benefits under the Circuitbreaker Program  
S.P. 921 L.D. 2305  
(S "A" S-617; S "B" S-693)

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Resolve**

Resolve, To Provide Funding for Small Wind Power Generators  
H.P. 279 L.D. 349  
(S "A" S-689)

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

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

**ENACTORS**

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

**Acts**

An Act To Implement the Recommendations of the Human Trafficking Task Force  
H.P. 360 L.D. 461  
(S "A" S-690 to C "B" H-686)

An Act To Promote Municipal Wind Generation Development  
S.P. 893 L.D. 2266  
(S "A" S-698 to C "A" S-579)

An Act To Invest in Maine's Young Children  
H.P. 1671 L.D. 2311  
(S "A" S-695)

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

An Act To Promote Filmmaking in the State  
H.P. 1680 L.D. 2319  
(S "A" S-697)

On motion by Senator **MITCHELL** of Kennebec, 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 Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. It is very late to be disagreeing with the two-thirds of the Maine Senate, but I can't go home tonight without saying how surprised I am and how saddened I am that after all the struggles we've been through all session that we are awarding the opportunity to film credits to some people we don't even know, without any process, and without any committee work. I can't help but be taken by all my colleagues on the other side. I have a book in my possession from The Maine Heritage Policy Center and Citizens Against Government Waste called 'The Piglet Book'. Inside there is a paragraph called 'Lights, Camera, Waste'. I'll let you read it on your own time. I do believe in films and I wish I could be as eloquent as my good friend from Hancock, Senator Damon, but I'm not. I do know he was in a Jello commercial sometime ago when he was young and it was fabulous. It would make a great film. I, for the life of me, don't remember ever seeing anybody giving the Governor discretion to award films that are going to be made between now and January. I hope that you will vote against this. I will be doing so, but be

Careful what you are voting for because it's an unbelievable precedent.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I will be brief. I think this is an opportunity that Maine has and we ought to use it. If it works, we ought to use it more. There is no question about it. You will notice that it was changed from area to the state to all of rural Maine. Frankly, I'll be very honest, it is also an opportunity for a writer who comes from my legislative district, who has a desire to bring a film company and do a filming in her home town. I'm not ashamed and I'm not embarrassed by providing income to the people I represent.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I don't want to instigate any of the more eloquent speakers in this Body, but I absolutely want to agree with the Senator from Kennebec, Senator Mitchell, that this 11<sup>th</sup> hour earmark is very troublesome and when you look at the other things that this has gotten past on the table I, in good conscience, cannot support it. Thank you, Madame President.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I, too, can't believe I voted for this earlier. Since we've had a little time off, and I've thought about it, I can't vote for this again. We'll never recoup the money. We need a better strategy. I'll be changing my vote.

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

Senator **BENOIT:** Thank you, Madame President. I would just like to toss in that we're not going to be giving away money until we receive money. They have to bring the production to the state of Maine and they have a small window to do it in. It's going to go to Massachusetts if we don't take it. They are waiting for it if we lose it. It's right here. It's waiting for us. We need to act on this. I'm sorry if it makes people uncomfortable, but I think it's the time and I'm going to be supporting this. I, too, am not embarrassed to try to put some economic development on the table and if this is what it takes I'm going to go for it. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President. I, too, had taken leave of my senses earlier and just want to say that I have three filmmakers in my district and I don't know what I would say to them if I went home and said I did this. Also we may have a flawed process. We do have a process in the Department of Economic and Community Development on film issues. Maybe we all ought to be paying a little bit closer attention to that.

Certainly this would not be the answer. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#482)**

**YEAS:** Senators: BENOIT, BRYANT, DAMON, DIAMOND, GOOLEY, MARTIN, MCCORMICK, MILLS, NUTTING, SAVAGE, SCHNEIDER, SHERMAN

**NAYS:** Senators: BARTLETT, BOWMAN, BROMLEY, COURTNEY, DOW, HASTINGS, HOBBS, MARRACHE, MITCHELL, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

**ABSENT:** Senators: BRANNIGAN, SMITH

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators being absent, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Acts**

An Act To Stimulate Capital Investment for Innovative Businesses in Maine

S.P. 929 L.D. 2320  
(S "A" S-694)



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

An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State

H.P. 1481 L.D. 2095  
(S "A" S-612; S "B" S-692  
to C "A" H-901)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#483)**

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

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, TURNER, WESTON

ABSENT: Senators: MARTIN, NUTTING, SMITH, SNOWE-MELLO

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**THE PRESIDENT:** Tonight is the last chance I have to speak to all of you as Senate President, so I hope you will indulge me for a few moments.

I have been honored and privileged, and occasionally frustrated, as your Senate President. Mostly honored and privileged. Very deeply so. This State House feels like a small town to me, like home. We see each other every day we work together. Legislators, staff, lobbyists, the State House press corps, the Director's Office, David Boulter, Deb Olken, Sherry Davis, Howard, and the security people. We work as one big corporate family. OPLA folks, Fiscal Office people, technology staff, Meg Matheson, everyone in the Revisor's Office, everyone in the Law Library, all the partisan office people on both sides of the aisle, and especially Joy and Judi and the hardworking staff of the Senate Secretary's Office, including our ever-present, always helpful, and probably very tired now Chamber staff. I also think of our neighbors on the second floor. The Chief Executive and his

staff, Jane Lincoln, Ryan Lowe, Becky White, Helen Schneider, and everybody else who have been so helpful as we forged good collaborations in the past few years. We've also worked well with our Constitutional Officer neighbors; Chief Justice Saufley, Secretary of State Dunlap, Attorney General Steve Rowe, and Treasurer David Lemoine. Finally, I think we owe a huge debt of gratitude to Sue Gendron and Brenda Harvey. Regardless of your feelings about policies, they have been stalwart and ready to talk about every issue that has been brought before them.

If it takes a village to raise a child, it certainly takes all of these good folks and us to make laws and govern our state. I am proud of us. Proud of our successes and our struggles. I'm grateful to know each one of you. You have enriched my life. We've done much work together. We've passed lots of bills. I'm not going to read you all of them. You know what they are. We've closed good budget gaps. We haven't raised any broad based taxes in that budget. We've not used any money in the Rainy Day Fund to close that budget. We did hard work cutting programs that all of us cared about. We rejected a lot of those cuts.

In the past year I've set some goals by which we could better serve Maine people, just as you have. Beyond being fiscally responsible, I've always felt that the State is responsible to our citizens. The laws we passed reflect all our values, even if we don't always agree with them. We thought about young people in schools. We thought about young people in higher education. Our efforts are paying off. The University of Maine was recently recognized as one of the best research universities in the United States. We put together bond packages. Who knew I would be such a transportation buff? Our bridges and roads, they are all in need of work and we've been putting our attention there. We passed an authorization for \$50 million in a Trans Cap revenue bond for the next five years to help sorely needed highway reconstruction projects. We can travel home tonight over those bumpy roads knowing that we have done something. We can be proud of our accomplishments in healthcare, regardless of how we feel about how we got there. We passed an act to better coordinate and reduce the cost of delivering services to State and county correction services. It's a big deal. These are hard things to do. You know that. You've laid awake nights, the same as me, trying to figure out how to do these things in a responsible way.

I spoke on opening day about how many challenges I felt we faced with our tight economy and how we must not do less for Maine's people. I want to thank you all for figuring out how, as best we could, we could meet that challenge. I'm very, very proud of us.

Some of us are leaving this Chamber tonight for the last time as Senators. Peggy Rotundo, our excellent Chair of the Appropriations and Financial Affairs Committee. Peggy, your gracious but firm hand has lead us through two budget cycles. I couldn't have made a better choice. It's always good to look up and see you smiling at me when we do the dance. I never had to worry about where your heart and mind would lead you. John Martin, Chair of the Natural Resources Committee, member of Appropriations, Assistant Senate Majority Leader, and unofficial Legislative historian. John, I personally am going to miss you. Everyone warned me about you, but the truth be told, you have been a friend, a mentor occasionally, a worthy adversary occasionally, but always a staunch defender of our State and its people. All of them, even the ones outside of Aroostook. I'm very glad that you have been a part of my life. Lynn Bromley, Chair of the Business, Research and Economic Development Committee,

has been my seatmate from the beginning. You don't know, but Lynn is the best wit around. A very sharp mind. She made me laugh and she's made me think from the beginning. As you have noticed tonight, her dedication to the small business people of this state, who make up the backbone of our economy, has been unwavering and I am grateful for her leadership. Ethan, Chair of the Labor Committee, my fellow lefty. I was glad to leave the Labor Committee in your able hands and I'm very grateful for the passion and hard work you've brought to tax issues and to the labor issues. I wish you well in the coming months. Christine Savage, Republican leader of the Transportation Committee. Christine, your ready smile and your open heart are gratefully appreciated by me. More than that, your consistent, thoughtful leadership of the Transportation Committee is something that every Mainer is grateful for. Not to be underestimated. Karl Turner, Republican lead on the Appropriations and Financial Affairs Committee. Karl and I had our first days on the Labor Committee. We had lots of great debates on the floor of this Senate. I have counted you as a friend. Your wry wit, your keen mind, and even when you are wrong, your gracious debate I hold in my heart. Senator Dow, I understand that you've chosen not to come back. I will miss you. I will miss your great orations. I was looking up how you spell 'stentorious' today. I totally appreciate how much you've cared about people in your district and businesses in general and figuring out how to have a better vision for the Maine economy. Thank you.

We are part of a peculiar family here. We've come together from across this state to work for the people of Maine. In the end, we are all trying to do our best to make things better for everyone. I am very grateful for the leadership of Senate Majority Leader, Libby Mitchell. Libby has been a wise counsel and a great support. I've treasured these last few months working closely together on so many tough issues. I really treasure driving around in your top down convertible today. That was a big help. Being able to lead our caucus with another woman has been a great experience and I am very glad it was you. I'm also grateful for the leadership of Carol Weston and Richard Rosen. It's always a challenge to work together across party lines with conflicting view points on issues. We've done well together. We've served the Senate well. I appreciate our healthy disagreements and our mutual desire for good policy. You know, I wanted to set a tone here that meant that everybody was thought about and respected. I could do that by myself, but it doesn't work. It has to work coming back the other way. I appreciate that I have gotten that from everyone in this room.

I want to thank my office staff. Kateryna Tyminska, I don't know where she is tonight, she's from Ukraine. Alex Pringle, Andre Duchette, Tiffany Leonard, Roger Fenn, Deb Friedman, and Rick McCarthy. You know a person can do a little bit, but with great people working with them they can do a lot. I have had such great people working with me. Last, but definitely not least, is Marsha Homstead, who is the bright, shining star in the Senate Office to everyone. The thing that's been great for me is that I have figured out I have a whole bunch of new friends. Even when I leave here I don't lose them. That's good.

As we head our separate ways we each will carry a bit of our shared experience here enriching our future. Soon I'll be going back to my other job at the Freeport Community Library. Publically, I want to thank the library staff for all the patience and support they have given me while I left them behind to mind the store. I want to thank the people of Freeport, Brunswick, Harspswell, and Pownal for electing me and giving me this

opportunity. Last, I know he is sound asleep, but I want to thank my husband, Dan. We've been married 33 years in June. He has been my unflagging supporter. He's given me encouragement. You have benefited a great deal because he's had to listen to a lot. I'm finally going to be home for a bunch more time than we've had together for a long time. It always sounds a little trite, but we do something good here and it matters. I desperately and wonderfully appreciate all of you. Thank you.

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

Senator **PERRY**: Thank you, Madame President. It seems like just yesterday you were giving us your opening address for this session. It's hard to believe it's adjournment time and we're going to be walking out of here for the last night. I think you know we all think you are awesome. A lot of Senate Presidents have come and gone. I've been here four years. You have been the Senate President the whole time. I honestly can't imagine serving under anyone else. It's been wonderful. I know I share that feeling with every member of this Senate because every member of this Senate wanted to contribute and give you a little going away present. We wracked our brains for a lot of ideas. Would it be all right if the Senator from York, Senator Courtney, and I approach the rostrum?

We spoke to the folks at the library and they miss you terribly and want you back. They gave us some ideas and talked about your wonderful gardening and your wonderful yard. We wanted to buy you a nice outdoor bench for your garden.

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At this point a message was received from the House of Representatives, borne by Representative PINGREE of North Haven informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

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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 Make Minor Substantive Changes to the Tax Laws  
H.P. 1531 L.D. 2151  
(C "A" H-854; S "B" S-557;  
S "F" S-696)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Promote Filmmaking in the State  
H.P. 1680 L.D. 2319  
(S "A" S-697)

In House, April 18, 2008, **PASSED TO BE ENACTED.**

In Senate, April 18, 2008, **FAILED ENACTMENT, in NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED.**

On motion by Senator **MITCHELL** of Kennebec, the Senate **ADHERED.**

Off Record Remarks

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

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

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

**ORDERS**

On motion by Senator **MITCHELL** of Kennebec, the following Senate Order:

S.O. 28

Ordered, that a message be sent to Governor John E. Baldacci informing him that the Senate is ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

**READ and PASSED.**

The Chair appointed the Senator from Kennebec, Senator **MITCHELL** to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Subsequently, the Senator from Kennebec, Senator **MITCHELL** reported that she had delivered the message with which she was charged.

On motion by Senator **MARTIN** of Aroostook, the following Senate Order:

S.O. 29

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

**READ and PASSED.**

The Chair appointed the Senator from Aroostook, Senator **MARTIN** to deliver the message to the House. The Senator was escorted to the House.

Subsequently, the Senator from Aroostook, Senator **MARTIN** reported that he had delivered the message with which he was charged.

Senate at Ease.

Senate called to order by the President.

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate.

**GOVERNOR BALDACCI:** Thank you very much, Madame President and members of the Senate. Let me just say first of all, Madame President, I have really enjoyed having you as second in charge. I have appreciated your leadership as Senate President. I have enjoyed your discussions, your advice, your counsel, and your leadership. You have an amazing amount of patience. That's just for dealing with John Martin. You are a wonderful leader and I was so pleased and proud that we were able to do the rail expansion issue, which has been so important to both you and I, and so many people in the State of Maine. That is just one issue of so many other issues. I just can't thank you enough for being a tremendous leader and somebody who I have enjoyed working with. Congratulations to you and good wishes to you too.

I want to also recognize Senate Majority Leader Mitchell. I have appreciated your push for health care, for educational reforms that made sense, your leadership in the Senate, and your

working together with my staff. I have so enjoyed that you are tireless, you are passionate, and you are holding our feet to the fire and making good results for Maine's people. I appreciate that.

I don't know where to start with John. I heard him giving his remarks. The history that he holds fills encyclopedia sets. There are many students, that are now on in years, that he's taught and labored with over the years, but he's always been good counsel. He's always been somebody that could pull people together, even in the most extreme circumstances. I appreciated his friendship and help.

I also want to recognize Senate Minority Leader Weston. She and Senator Rosen have been more than forthcoming in coming to my office to discuss issues and I appreciate and thank them for that, for keeping me abreast of developments and information. It's been very helpful.

I have really enjoyed working with leaders on the different committees. I especially have enjoyed the relationships that I've had with Senator Karl Turner on the Appropriations Committee. I think the Appropriations Committee leadership with Senator Rotundo, Senator Martin, and Senator Turner has been some of the most bipartisan work that has gone on. I find it very enlightening. People may not appreciate that fact, but I think both parties have some very good ideas. I think when you serve in the Maine Legislature you have to listen to everybody because you can learn in the exchange and the experiences. I really respect and have enjoyed working with you, Senator Turner. We both advocated that we will both go to those districts where they need the most help to see if we can do more damage for their political campaigns. We offered Senator Nass the opportunity to go and campaign for him but he's told us to stay away from his district.

Senator Savage, I've appreciated being able to work with you and your leadership. I've enjoyed being able to work on the issues about infrastructure and improvements and using some of that real Downeast Maine Yankee common sense. I thank you for that.

I would like to thank Senator Diamond for the work that we've been able to do with Senator Damon and the Transportation Committee.

I said to somebody that I have not been in the legislature as long as Senator Martin or some of the others, but I was in the State Senate for 12 years, Congress for 8 years, and Governor for 5 years. I've never seen a legislative session with as much production as I've seen here and it all happened after the budget passed. There was a whirlwind of activity. I really think that you folks have done more than any of the other sessions of the legislature that I can remember. I think when you start to look at the work that you've done in health care and education and the work that you did, that was referenced earlier by Senator Martin, with the budget. That was tough and it was hard. There are people who are probably going to be hurt. We tried to minimize it. You did an excellent job in trying to soften the blows, but these are tough times. You also recognized the importance to make sure that we invested in our infrastructure; that we tried to raise the minimum wage; that we looked at the importance of investing in our children and protecting them from toxics and chemicals; and making sure that Maine continued its environmental stewardship and leadership. I have thought, as I was trying to prepare my remarks, about listing all of the initiatives that you passed. I want you to know that they are very numerous, very comprehensive, and will be felt for a long time.

One in particular that I was especially close to was on corrections. I had developed a plan and the counties had developed a contrary plan. It seems that we were at loggerheads. I have to tell you, in true Maine Yankee experiences, we appreciated the fact of putting down our plans and using common sense. I have to say that this is how we get things done. We used the strengths of the counties' plan and the state's plan and we came up with a compromise. With the leadership of Senator Diamond and the Criminal Justice and Public Safety Committee, we were able to come together on a very unique bipartisan plan that I think will save taxpayers, better administrate the county and state jail programs, and be able to treat the people like the mentally ill, women, and others with better treatments, which we should be doing anyways. I'm very proud of what you were able to do.

There has been so much good work and so much that will be felt about this particular session. I just want you to know that I think that this has been one of the most productive sessions that I've been a part of or have witnessed in my years of legislative and executive service. I want to congratulate all of you on behalf of the people of Maine for a job well done. Congratulations.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

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

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

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On motion by Senator **SAVAGE** of Knox, the Honorable **BETH G. EDMONDS**, President of the Senate, declared the First Special Session of the 123rd Legislature, **ADJOURNED SINE DIE** at 11:10 in the evening.