

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

In Senate Chamber
Tuesday
May 8, 2007

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

Prayer by Reverend Martha Hoverson of North Parish Congregational Church in Sanford.

REVEREND HOVERSON: Good morning. Let's be in a spirit of prayer together. Divine source of all love, peace, and wisdom, we call out to You this morning. We ask for Your guidance in the work of the day. Open our hearts and expand our minds with Your presence. May our work be done with concern for those who are weakest and respect for those places where needs are greatest. Focus our eyes and tune our ears to perceive the eternal truths that never fail to guide us on the right paths. Help us to be good stewards of this earth and of the special resources of this beautiful and bountiful State of Maine we pray. Amen.

Pledge of Allegiance led by Senator Peter B. Bowman of York County.

Reading of the Journal of Thursday, May 3, 2007.

Off Record Remarks

The Chair noted the absence of the Senator from Hancock, Senator **DAMON** and further excused the same Senator from today's Roll Call votes.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Increase College Attainment"
H.P. 758 L.D. 1040
(C "A" (H-104))

In Senate, May 1, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-180)**, in **NON-CONCURRENCE**.

On motion by Senator **BOWMAN** of York, **TABLED** 1 Legislative Day, pending **FURTHER CONSIDERATION**.

COMMUNICATIONS

The Following Communication: S.P. 692

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 4, 2007

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
123rd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine State Harness Racing Commission:

Sidney Bradley of Easton for appointment
Mary-Anne Martell of Portland for appointment
George McHale of Orrington for reappointment

Pursuant to Title 8 M.R.S.A. Section 261-A, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

The Following Communication: S.P. 693

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 4, 2007

Sen. John L. Martin
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
123rd Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated Matthew Scott of Belgrade for reappointment and Susan Lessard of Hampden for appointment to the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 341-C, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 694

STATE OF MAINE
123RD MAINE LEGISLATURE

May 4, 2007

Sen. Peter B. Bowman
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
123rd Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Community College System Board of Trustees:

Joanna Jones of Waldoboro for reappointment
Valerie Osborne of Old Town for appointment
Joe Hanslip of Sanford for appointment

Pursuant to Title 20-A M.R.S.A Section 12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and to confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 695

STATE OF MAINE
123RD MAINE LEGISLATURE

May 4, 2007

Sen. Peter B. Bowman
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
123rd Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated Michael Pearson of Enfield and Robert Foster of Blue Hill for appointment to the Maine School of Science and Mathematics Board of Trustees.

Pursuant to Title 20-A M.R.S.A Section 8204, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and to confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 696

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 4, 2007

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Transportation
Rep. Boyd P. Marley
House Chair, Joint Standing Committee on Transportation
123rd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Marley:

Please be advised that Governor John E. Baldacci has nominated John Clifford of Lewiston for appointment and John Bubier of Yarmouth for reappointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23 M.R.S.A. Section 8112, these nominations will require review by the Joint Standing Committee on Transportation and to confirmation by the Senate.
Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on **TRANSPORTATION.**

Sent down for concurrence.

The Following Communication: S.P. 697

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 4, 2007

Sen. Lisa T. Marraché
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs
Rep. John L. Patrick
House Chair, Joint Standing Committee on Legal and Veterans Affairs
123rd Legislature
Augusta, ME 04333

Dear Senator Marraché and Representative Patrick:

Please be advised that Governor John E. Baldacci has nominated Michael Friedman of Bangor for reappointment and David Shiah of Bowdoinham for appointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 M.R.S.A. Section 1002, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and to confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 698

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 4, 2007

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Transportation
Rep. Boyd P. Marley
House Chair, Joint Standing Committee on Transportation
123rd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Marley:

Please be advised that Governor John E. Baldacci has nominated Richard Valentino of Saco for appointment to the Maine Turnpike Authority.

Pursuant to Title 23 M.R.S.A. Section 1965, this nomination will require review by the Joint Standing Committee on Transportation and to confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on **TRANSPORTATION.**

Sent down for concurrence.

The Following Communication: S.C. 260

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LABOR**

May 2, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of George A. Burgoyne of Bangor, for appointment to the Maine State Retirement System Board of Trustees.

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

YEAS	Senators	2	Dow of Lincoln, Sullivan of York
	Representatives	8	Tuttle of Sanford, Burns of Berwick, Clark of Millinocket, Driscoll of Westbrook, Duprey of Hampden, Hamper of Oxford, Haskell of Portland, Thomas of Ripley
NAYS	Senators	1	Strimling of Cumberland
	Representatives	1	Jackson of Allagash
ABSENT		1	Rep. Sykes of Harrison

Ten members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of George A. Burgoyne of Bangor, for appointment to the Maine State Retirement System Board of Trustees be confirmed.

Signed,

S/Ethan Strimling
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 263

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

May 4, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Jeanne Matava Mattson of Hallowell, for appointment to the Land For Maine's Future Board.

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

YEAS	Senators	2	Nutting of Androscoggin, Sherman of Aroostook
	Representatives	7	Pieh of Bremen, Carter of Bethel, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Lundeen of Mars Hill, Pratt of Eddington
NAYS		0	
ABSENT		4	Rep. Marean of Hollis, Rep. Pineau of Jay, Rep. Piotti of Unity, Sen. Rotundo of Androscoggin

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jeanne Matava Mattson of Hallowell, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Following Communication: S.C. 261

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 3, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 931 Resolve, To Examine Eligibility for MaineCare Long-term Care Services
- L.D. 957 An Act To Enact a Five-point Welfare Reform Plan
- L.D. 990 An Act To Assist Children Who Are Not Receiving Court-ordered Child Support Payments
- L.D. 1187 An Act To Recoup Health Care Funds through the Maine False Claims Act
- L.D. 1286 An Act To Impose Tighter Controls over Addictive Prescription Drugs
- L.D. 1354 Resolve, To Direct the Department of Health and Human Services To Establish a Physician Specialist Program
- L.D. 1437 An Act To Review Prescription Drug Prior Authorization under MaineCare

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

The Following Communication: S.C. 262

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 3, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- L.D. 348 An Act To Limit Contributions to Political Action Committees
- L.D. 490 An Act To Clarify Reporting of Contributions and Expenditures by Persons Involving a Ballot Question
- L.D. 508 An Act Concerning Citizens' Initiatives and Public Disclosure of Influence
- L.D. 1051 An Act To Provide Information to the Public Regarding Lobbying and Lobbyists
- L.D. 1233 An Act To Amend Requirements for Participation of Gubernatorial Candidates under the Maine Clean Election Act
- L.D. 1316 An Act To Define Campaign Communications Requiring Matching Clean Election Funding
- L.D. 1317 An Act To Require a Minimum Number of Votes in a Primary To Continue To Qualify as a Maine Clean Election Act Candidate
- L.D. 1497 An Act To Improve Local Control over Bars
- L.D. 1499 An Act To Improve the Maine Clean Election Act
- L.D. 1547 An Act To Prohibit a Maine Clean Election Act Candidate from Recruiting a Primary Opponent
- L.D. 1577 An Act To Address the Pervasive Effect of Substance Abuse in Maine
- L.D. 1679 An Act To Change and Clarify the Maine Clean Election Laws

- L.D. 1680 An Act To Reform and Simplify the Clean Election Process
- L.D. 1682 An Act To Improve Maine's Clean Election Law
- L.D. 1723 An Act To Streamline the Beano Laws
- L.D. 1724 An Act To Strengthen the Maine Clean Election Act
- L.D. 1729 An Act To Allow Contributors to Candidates Financed by the Maine Clean Election Fund To Submit Qualifying Contributions Online
- L.D. 1740 An Act To Amend the Maine Clean Election Act

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

Sincerely,

S/Sen. Lisa T. Marraché
Senate Chair

S/Rep. John L. Patrick
House Chair

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

The Following Communication: H.C. 240

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

May 3, 2007

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 accepted the Majority Ought Not to Pass Report of the Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee (H.P. 283) (L.D. 353)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act To Promote Safety and Career Paths in the Electrical Trade"

S.P. 690 L.D. 1896

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative SMITH of Monmouth.

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

Sent down for concurrence.

Bill "An Act To Allow Blended Sentencing for Certain Juveniles"
S.P. 691 L.D. 1897

Sponsored by Senator DIAMOND of Cumberland.
(GOVERNOR'S BILL)

Cosponsored by Representative FLOOD of Winthrop and Senators: GOOLEY of Franklin, HOBBS of York, MARTIN of Aroostook, MILLS of Somerset, NASS of York, NUTTING of Androscoggin, SMITH of Piscataquis, Representatives: RAND of Portland, SAVIELLO of Wilton.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The York High School Wrestling Team, on its winning the 2007 Western Class B Championship. We extend our congratulations and best wishes to the team on this achievement;
SLS 176

Sponsored by Senator BOWMAN of York.
Cosponsored by Representatives: HILL of York, WEAVER of York.

READ.

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

Senator **BOWMAN:** Thank you, Madame President. There is a saying that it doesn't matter whether you win or lose; it's just that you play the game. I think they were probably referring to baseball. In all sports, and especially in wrestling, it does matter whether you win. I have the great pleasure to introduce to you three members of the York Class B Western Championship wrestling team and three of their coaches. I just want to say that I'm a frustrated wrestler. I went to two high schools where neither one of them had wrestling. I went to Cornell University that has a very strong wrestling tradition. I am a little frustrated. To be a good wrestler you have to be tough in mind and body. You have to be a quick decision maker. When I think about these things, it's kind of typical of a Senator. Maybe we are looking at three potential Senators here. I certainly hope that this happens. Please join me in giving a great round of applause to them.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the York High School wrestling team and coaches Walter Caldwell, Robert Munn, Bryan Thompson, and captains Gene Jones, Tom Ciampa, and Tom Ross. Would they please rise and receive the greetings of the Maine Senate.

House

Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act To Ensure Safety on Freshwater Ferry Vessels"
H.P. 1281 L.D. 1838

Reported that the same be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.
Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Maine Commercial Fertilizer Law"
H.P. 792 L.D. 1074

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166)**.

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

READ ONCE.

Committee Amendment "A" (H-166) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits"
H.P. 1091 L.D. 1566

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)**.

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Child Support Laws"
H.P. 372 L.D. 488

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty"
H.P. 450 L.D. 583

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Concerning Animal Control Officers as Mandated Reporters of Abuse"
H.P. 451 L.D. 584

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Increase the State's Share of Retired Teachers' Health Insurance"
H.P. 172 L.D. 201

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170).**

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality"

H.P. 346 L.D. 430

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-175).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175).**

Report **READ.**

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Determination of the Applicable Assessment Date for Certain Municipal Development District Projects"

H.P. 945 L.D. 1336

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend Maine's Abandoned Vehicle Laws"

H.P. 515 L.D. 666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-165)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)**.

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

READ ONCE.

Committee Amendment "A" (H-165) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Keep Private Road Maintenance Costs Affordable"
H.P. 893 L.D. 1265

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-164)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-164)**.

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

READ ONCE.

Committee Amendment "A" (H-164) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Support Central Maine Community College"
H.P. 684 L.D. 909

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston

FARRINGTON of Gorham
HARLOW of Portland
EDGEComb of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg

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

Signed:

Senator:

MILLS of Somerset

Representatives:

SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

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

Reports **READ**.

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

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 rise to ask for a division on this issue. I'm not opposed to supporting community colleges, but they are typically recognized as a single line item in our budgets and we leave to the wisdom of their boards the distribution of such funds as we make available to them. I think it's a dangerous practice for us to get involved in earmarking. That infamous term has become made so infamous by Congress's misbehavior. I think we make a mistake when we try to do our own earmarking of funds for specific purposes within these institutions.

I well remember when I used to deliver newspapers to the President of the Farmington State College and later to Gorham. I grew up in two college towns and I remember that at this time of year, typically February through April, the President of each of those institutions was out of town in Augusta fighting for his own individual budget for his institution. We got over that some time in the 1960's and we cut the University of Maine System lose, gave them a single line item in our budget, and we did the same thing for what was then known as the technical colleges and are now known as the community colleges. I think the idea that we are supposed to sit here and debate the appropriation of \$150,000 extra to a specific purpose within the rather broad array of functions that are served by the community college system is an interference with their prerogatives. It is for that reason, and that reason alone, that I rise to oppose the idea of allocating this relatively small amount of money as an additional fund for the community colleges for a dedicated purpose.

At the request of Senator **MILLS** of Somerset a Division was had. 15 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Appropriate Funds for the Katahdin Cultural Center"

H.P. 1181 L.D. 1683

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

Signed:

Senators:

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

Representatives:

- NORTON of Bangor
- FINCH of Fairfield
- FARRINGTON of Gorham
- SUTHERLAND of Chapman
- EDGECOMB of Caribou
- MUSE of Fryeburg
- STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-182)**.

Signed:

Representatives:

- MAKAS of Lewiston
- HARLOW of Portland
- McFADDEN of Dennysville

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Equalize MaineCare Reimbursements to Hospitals"

H.P. 499 L.D. 650

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

Signed:

Senator:

RAYE of Washington

Representatives:

- PERRY of Calais
- GROSE of Woolwich
- MILLER of Somerville
- BEAUDOIN of Biddeford
- CONNOR of Kennebunk
- WALKER of Lincolnville
- LEWIN of Eliot
- FINLEY of Skowhegan

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

- WALCOTT of Lewiston
- CAMPBELL of Newfield

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention"

H.P. 1051 L.D. 1501

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

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

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

Signed:

Representative:

WALKER of Lincolnville

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

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

Reports **READ.**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide"

H.P. 90 L.D. 98

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

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
FINCH of Fairfield
EBERLE of South Portland
WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham

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

Signed:

Representatives:

RICHARDSON of Carmel
McLEOD of Lee

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

Reports **READ.**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit the Use of Nonnative Baitfish"

H.P. 145 L.D. 163

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-66).**

Signed:

Senators:
BRYANT of Oxford
GOOLEY of Franklin

Representatives:
JACKSON of Allagash
RICHARDSON of Carmel
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
LUNDEEN of Mars Hill
BRYANT of Windham
WHEELER of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-67).**

Signed:

Senator:
PERRY of Penobscot

Representative:
EBERLE of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66).**

Reports **READ.**

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-66) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey"
H.P. 599 L.D. 783

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

Signed:

Senators:
BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:
FINCH of Fairfield
EBERLE of South Portland
JACKSON of Allagash
RICHARDSON of Carmel
WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham
McLEOD of Lee

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

Signed:

Representative:
SAVIELLO of Wilton

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

Reports **READ.**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify the Definition of 'Personal Watercraft'"

H.P. 673 L.D. 888

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-153).**

Signed:

Senators:
BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
RICHARDSON of Carmel
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham

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

Signed:

Representative:

EBERLE of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-153) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws"
H.P. 1157 L.D. 1648

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

Signed:

Senator:

PERRY of Penobscot

Representatives:

RAND of Portland
WOODBURY of Yarmouth
HOTHAM of Dixfield
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-171).**

Signed:

Senators:

STRIMLING of Cumberland
NASS of York

Representatives:

PIOTTI of Unity
KNIGHT of Livermore Falls
CLARK of Millinocket
WATSON of Bath

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

Reports **READ.**

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

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Resolve, To Preserve Maine's Electric Energy Infrastructure
H.P. 920 L.D. 1302

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

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
BLANCHARD of Old Town
CURTIS of Madison
RINES of Wiscasset
BLISS of South Portland
FLETCHER of Winslow
ADAMS of Portland
FITTS of Pittsfield
HINCK of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-152).**

Signed:

Representative:
BERRY of Bowdoinham

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

Reports **READ**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Ten members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Address the Evaluations of Certain School Employees"

H.P. 237 L.D. 293

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-143)**.

Signed:

Senators:
BOWMAN of York
MITCHELL of Kennebec

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-144)**.

Signed:

Representatives:
EDGECOMB of Caribou
McFADDEN of Dennysville

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

Signed:

Senator:
MILLS of Somerset

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence.

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 again rise to ask for a division on an issue that I find I must divide from the majority of the committee on. If I may explain briefly about the circumstances of this bill and what it would do. As most of you know, teachers are hired under a two-year probationary arrangement. At the end of the two-years, if their contracts are extended, they become tenured or permanent employees. The bill that lays before you says that each school administrative unit or each teacher within his or her two-year probationary period and every other school employee who is a professional employee who is subject to a two-year probationary period must receive a written evaluation of job performance prior to each April 1st within the two-year probationary period. It would require every school district and every school unit, all 290 of them and all 152 Superintendents, to remember to do a written, not oral, evaluation of every teacher and other probationary professional employee within the district before April 1st.

What the law doesn't say is what the penalty or the 'so what' if the Superintendent or the Principal fails to do this? As written, it's just one more of those mandates coming out of Augusta. My concern about the 'what if' is that might give grievance rights. I don't know if it does or not, but my concern is that in the absence of any language describing what happens it will give grievance rights to employees who presently don't have them. We were informed, competently, by the Maine School Management Association, who I would regard as infamous for other reasons, that this issue, they said, is widespread and common practice to evaluate probationary employees at some point during the time of their probationary period. It may be done orally or it may be done in writing. It may be done more frequently. Quite often there is a mentoring system established so that new and young teachers are brought along with someone to work with them and so forth. There are lots of accommodations made to promote the careers of these folks who are entering one of our nobler professions. Once you start tinkering with the authority of a school board and the Superintendent's Office and you begin writing statutes that define things that they must do and then if those things are not done for some reason, what have you accomplished? You may have accomplished nothing more than to erode the whole notion of there being a probationary period. That's what concerns me about this. I see this as an effort by teacher's unions to erode or do away with the probationary period so that people that are newly hired into the teaching profession step right in with certain vested rights and entitlements which, if they are not honored, will

deprive the school district of the opportunity to remove them from service or take other measures that might be appropriate for a probationary employee. I think this is a dangerous bill, not only for what it says or does, but also for what it does not say and does not do. That's the part that scares me. I just think that most of the school units in this state, even the tiny little ones, are probably doing very well in providing good administrative service to their probationary employees. We did not hear articulated in the committee, in the public hearings or the work sessions, the expression of any serious problems with regard to the review of work done by probationary employees. The only argument that was made was that there was nothing in state law that expressly required administrators to review their performance but the testimony was that they do, in fact, get the benefit of a great deal of review, help, assistance, and mentoring so that there is no need for this law. I suspect the only purpose for the law is to erode the whole notion of a probationary period and to undermine the authority and the discretion of the people who are down there on the front lines managing our schools. For that reason I do ask that we vote against the pending motion, with all due respect to the other members of my committee. Thank you.

Senator **MILLS** of Somerset requested a Division.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence. (Division Requested)

Senate
Ought to Pass

Senator **SULLIVAN** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics"

S.P. 620 L.D. 1753

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act To Amend the Charter of the Somerset Woods Trustees"

S.P. 369 L.D. 1117

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws"
S.P. 579 L.D. 1674

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-83)**.

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

READ ONCE.

Committee Amendment "A" (S-83) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BRYANT** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Eliminate the Super Pack Hunting License"

S.P. 197 L.D. 605

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-86)**.

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

READ ONCE.

Committee Amendment "A" (S-86) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **DAMON** for the Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Definition of 'Territorial Waters' and Study Maine's Coastal Policies"

S.P. 498 L.D. 1420

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85)**.

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

READ ONCE.

Committee Amendment "A" (S-85) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

FARRINGTON of Gorham
HARLOW of Portland
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Change the Impact of the Rate of Growth Ordinance Limit on the Town of York"
S.P. 360 L.D. 1108

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-90)**.

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

READ ONCE.

Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Pertaining to the Licensing of Motor Vehicle Dealerships"
S.P. 82 L.D. 245

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-81)**.

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

READ ONCE.

Committee Amendment "A" (S-81) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Encourage the Use of Safe Chemicals in Public Schools
S.P. 32 L.D. 88

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-84)**.

Signed:

Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston

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

Signed:

Representative:
EDGECOMB of Caribou

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-84) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Patients with Their Medication"
S.P. 496 L.D. 1418

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

Signed:

Senators:
BRANNIGAN of Cumberland
RAYE of Washington

Representatives:
PERRY of Calais
GROSE of Woolwich
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-88)**.

Signed:

Representatives:
WALCOTT of Lewiston
MILLER of Somerville
BEAUDOIN of Biddeford

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

Reports **READ**.

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

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

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to the pending motion. Just to give a little background on this, a number of years ago, I think it was 1999, Maine people voted, overwhelmingly, by over 100,000 votes statewide, one in every county, to proceed forward with careful medical marijuana laws to make sure that patients can get the medicine that they need to be able to take care of the pain or actually cure some ills. This was 8 years ago now and sadly the state has done very little to carry out the wishes that Maine people put forth. I will tell you personally the reason that this issue is important is because my own mother, who lives in California, sadly has glaucoma and a number of years ago the pressure behind her eyes grew so great that a doctor out there, because they have a medical marijuana law, told her to start taking marijuana pills to relieve that pressure. She did for a year and it helped. During that year of time that she gained they were able to get some new medication that was able to help. Now she can put drops in her eyes to continue to relieve that pressure. My mother is a Professor of Classics and a Professor of Comparative Literature at UCLA. As you can imagine, someone who is a Professor of Comparative Literature must have her eyes to read, 80% of what she does is reading. The thought that she is slowly going blind tears me apart every day. She knows it will come, but she's doing everything she can to try to slow that down. For one year this medicine was able to help. Maine people voted 8 years ago to put this in place so that we could help Maine people the same way. What this bill does, originally it was much broader, is to try to find some way to dispense medication because people in Maine get doctor's prescriptions to use medical marijuana, to use it for their medication. The problem is you've got to go on the black market to get it unless you can grow it yourself. If you can grow it yourself, and you can grow 6 plants, that's fine, but for those who can't they have to go on the black market. We don't solve that with this bill. One hypocrisy in our law is that you can grow 6 plants but once you cultivate 6 plants that's a lot more than what you are allowed to possess. We're basically saying to folks is that they are allowed to have 6 plants but as soon as they cultivate them they are going to be arrested. What this law does, and what the amendment on the minority report does, is simply say to increase the amount that somebody may possess after they have cultivated it when they have a doctor's prescription to make sure that people can have it because you can't grow it year-round unless you have all the intricate systems in your home. Madame President, I would request that we vote this motion down so that we can pass the Minority Report so that Maine people can finally get the medicine that they need.

Senator **STRIMLING** of Cumberland requested a Division.

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

Senator **BRANNIGAN:** Thank you, Madame President. I think this was a far-ranging bill. I, for one, introduced a medical marijuana bill back in 1980. This is an issue that we've been trying to do well by for many years. The people did vote but you have to remember at all times that we are fighting the federal government on this issue. They are very persistent in trying to thwart the good use of marijuana for medical purposes. The bill was wide-ranging, so we quickly rushed to whittle it down to just that issue of how much possession someone can have. They can have 1 1/2 ounces and they can have 6 plants. It is a problem for those who grow outdoors. I believe they have to grow the 6 plants all at the same time. Indoors, if you have grow lights, then you are able to do a much better job of keeping your plants going and your harvest under control. The Minority Report is to raise the amount allowed for possession from 1 1/2 ounces to 2 1/2 ounces. I'm not sure of the federal law, my understanding is that the federal law makes from 1 1/2 to 2 or more a much higher crime. Practically no crime for 1 1/2. Anyways, some of us felt that we would keep the law exactly as it is. We certainly would love to change it to some degree. We would love to make this kind of medication more available, but at this time we felt with this bill it was a way to go. Thank you.

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

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

Senator **RAYE:** Thank you, Madame President. I rise to support the comments of the Senator from Cumberland, Senator Brannigan. We spent a good deal of time discussing this issue in committee and it was the overwhelming vote of the committee that we should remain with the current law that the people of Maine passed at referendum and that it is not necessary to increase the amount of marijuana that one can have for medical use. There is no reason that people have to grow those plants so that they all have to be harvested at the same time. It was the committee's wisdom that this legislation is not necessary.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Brannigan 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 (#61)

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

NAYS: Senators: BRYANT, STRIMLING

ABSENT: Senator: PLOWMAN

EXCUSED: Senator: DAMON

31 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Remove Barriers to Smoking Cessation Treatment in Maine

S.P. 499 L.D. 1421

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89)**.

Signed:

Senators:
BRANNIGAN of Cumberland
RAYE of Washington

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

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

Signed:

Representative:
LEWIN of Eliot

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

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-89) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Complimentary Moose Permit Drawing for 100% Disabled Veterans"

S.P. 353 L.D. 1101

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

Signed:

Senators:
BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:
JACKSON of Allagash
RICHARDSON of Carmel
SAVIELLO of Wilton
FINCH of Fairfield
EBERLE of South Portland
WHEELER of Kittery
LUNDEEN of Mars Hill
RICHARDSON of Greenville
BRYANT of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-82)**.

Signed:

Representative:
McLEOD of Lee

Reports **READ**.

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

Sent down for concurrence.

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

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 40 L.D. 39

Bill "An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election"

H.P. 1293 L.D. 1857

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

House As Amended

Bill "An Act To End Fraud in Maine's Welfare Benefit Programs"

H.P. 150 L.D. 168
(C "A" H-163)

Bill "An Act To Modify Lobster License Fees"

H.P. 522 L.D. 691
(C "A" H-154)

Bill "An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities"

H.P. 547 L.D. 726
(C "A" H-161)

Bill "An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources"

H.P. 549 L.D. 728
(C "A" H-158)

Bill "An Act To Enhance Education Services for Blind and Visually Impaired Children"

H.P. 659 L.D. 870
(C "A" H-137)

Bill "An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated Members"

H.P. 660 L.D. 871
(C "A" H-138)

Bill "An Act To Delay Implementation of Motor Vehicle Inspection Rules until Inspectors Have Rules in Hand for 5 Days"

H.P. 713 L.D. 938
(C "A" H-156)

Bill "An Act To Establish an Agriculture Education Registration Plate"

H.P. 746 L.D. 986
(C "A" H-157)

Bill "An Act To Change Building Requirements for County Buildings and Land"

H.P. 774 L.D. 1056
(C "A" H-148)

Bill "An Act Regarding Energy-generating Facilities"

H.P. 789 L.D. 1071
(C "A" H-134)

Bill "An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation"

H.P. 851 L.D. 1158
(C "A" H-139)

Bill "An Act To Enhance Protection against Rabies in Wolf Hybrids"

H.P. 911 L.D. 1293
(C "A" H-141)

Resolve, To Name the Gray Connector

H.P. 993 L.D. 1410
(C "A" H-155)

Resolve, To Support Community Planning for the Aging of the Population

H.P. 1170 L.D. 1661
(C "A" H-160)

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

Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

H.P. 103 L.D. 111
(C "A" H-86)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools"

S.P. 172 L.D. 560

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Provide Education Concerning and Insurance Coverage for Lyme Disease"

S.P. 544 L.D. 1521
(C "A" S-78)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Update Absentee Ballot Procedures
H.P. 512 L.D. 663
(C "A" H-102)

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 Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008
H.P. 594 L.D. 776
(C "A" H-100)

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

Emergency Measure

An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse
H.P. 747 L.D. 987
(C "A" H-110)

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 Allow Municipal Cost Sharing for County Services
H.P. 828 L.D. 1135
(C "A" H-81)

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

Emergency Measure

An Act Regarding the Terms of Members of the Maine State Museum Commission
H.P. 885 L.D. 1257
(C "A" H-105)

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 Establish the Columbia Falls Village Water District
H.P. 921 L.D. 1303
(C "A" H-112)

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 Amend the Fryeburg Water District Charter
H.P. 1165 L.D. 1656
(C "A" H-114)

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 Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization

H.P. 41 L.D. 40

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services

H.P. 537 L.D. 716

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office

H.P. 586 L.D. 765
(C "A" H-79)

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

Acts

An Act To Temporarily Reduce the Fee To Operate High-stakes Beano
H.P. 74 L.D. 76
(C "A" H-83)

An Act To Require a Model Radon Standard for New Residential Construction
H.P. 101 L.D. 109
(C "A" H-78)

An Act To Amend the Laws Pertaining to Beano
H.P. 119 L.D. 127
(C "A" H-115)

An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority
H.P. 132 L.D. 150
(C "A" H-92)

An Act To Improve Access to HIV Testing in Health Care Settings
H.P. 345 L.D. 429
(C "A" H-90)

An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries
H.P. 401 L.D. 523
(C "A" H-109)

An Act Relating to Liquor Samples
H.P. 469 L.D. 620
(C "A" H-101)

An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers
H.P. 561 L.D. 740
(C "A" H-98)

An Act To Provide an Energy Allowance to At-home Patients Using Ventilators
H.P. 613 L.D. 813
(C "A" H-89)

An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information
H.P. 643 L.D. 844

An Act To Amend the Laws Governing Credit Card Companies
S.P. 302 L.D. 951
(C "A" S-48)

An Act To Amend Certain Animal Health Laws
H.P. 731 L.D. 971
(C "A" H-80)

An Act Regarding Cable Television Service Outages
H.P. 781 L.D. 1063
(C "A" H-111)

An Act To Create an Ownership Interest in Agency Liquor Store Licenses
H.P. 817 L.D. 1124
(C "A" H-116)

An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims

S.P. 406 L.D. 1218

An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government

H.P. 928 L.D. 1320

An Act To Create a Utility District in Edgecomb
H.P. 974 L.D. 1382
(C "A" H-113)

An Act To Modify Daylight Savings Time According to Federal Statute

H.P. 1172 L.D. 1663

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

An Act To Recognize Gold Star Parents and Family Members
H.P. 60 L.D. 62
(C "A" H-84)

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

An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault

H.P. 191 L.D. 220
(C "A" H-93)

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

An Act To Strengthen Rural Community Investment
S.P. 239 L.D. 790
(C "A" S-52)

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

An Act To Improve Transportation for Veterans
S.P. 316 L.D. 999
(C "A" S-55)

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

An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor

H.P. 754 L.D. 1036
(C "A" H-88)

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

Off Record Remarks

Resolves

Resolve, To Provide Access for Persons with Disabilities to Great Ponds

H.P. 24 L.D. 21
(C "A" H-82)

Resolve, To Develop an Appropriate Commemorative License Plate Decal for Combat Service

H.P. 379 L.D. 495
(C "A" H-107)

Resolve, To Direct the Secretary of State To Examine Driver's License Laws

H.P. 612 L.D. 812
(C "A" H-99)

Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers

H.P. 734 L.D. 974
(C "A" H-103)

Resolve, Directing the Department of Environmental Protection and the Public Utilities Commission To Develop a Program That Supports the Recycling of Fluorescent Lamps

H.P. 876 L.D. 1234
(C "A" H-97)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species

H.P. 1016 L.D. 1447
(C "A" H-91)

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

Resolve, To Establish the Maine Civil War Sesquicentennial Commission

H.P. 809 L.D. 1091
(C "A" H-85)

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

HELD MATTER

An Act To Ensure Equitable Geographic Representation on the State Board of Education

S.P. 240 L.D. 791
(C "A" S-43)

(In House, May 2, 2007 **PASSED TO BE ENACTED**.)

(In Senate, May 3, 2007 **PASSED TO BE ENACTED**, in concurrence.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

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

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-43)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43)**.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority"
H.P. 1332 L.D. 1899

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Ensure Affordable Health Care for Maine Families through Shared Responsibilities"
H.P. 1326 L.D. 1894

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Laws Pertaining to Lobbying"
H.P. 1331 L.D. 1898

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy"
H.P. 1325 L.D. 1893

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

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Public Law
Department of Corrections**

The **Department of Corrections**, pursuant to Public Law 2005, chapter 667 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee"

H.P. 1327 L.D. 1895

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow the City of Auburn To Adjust the Definition of 'Original Assessed Value' for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District"

H.P. 1324 L.D. 1892

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

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

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1329

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall submit, to the House, legislation to make minor changes to laws governing central voter registration.

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

READ and **PASSED**, in concurrence.

ORDERS OF THE DAY

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

NOMINATION - of George A. Burgoyne of Bangor, for appointment to the Maine State Retirement System Board of Trustees

Tabled - May 8, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, May 8, 2007, Communication (S.C. 260) from the Committee on **LABOR**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#62)

YEAS: Senators: None

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

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **George A. Burgoyne** of Bangor, for appointment to the Maine State Retirement System Board of Trustees was **CONFIRMED**.

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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jeanne Matava Mattson** of Hallowell, for appointment to the Land For Maine's Future Board was **CONFIRMED**.

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

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

NOMINATION - of Jeanne Matava Mattson of Hallowell, for appointment to the Land For Maine's Future Board

Tabled - May 8, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, May 8, 2007, Communication (S.C. 263) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#63)

YEAS: Senators: None

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

EXCUSED: Senator: DAMON

The Chair laid before the Senate the following Tabled and Later (5/2/07) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce the Sales Tax on Business Energy" S.P. 305 L.D. 954

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-75)** (1 member)

Tabled - May 2, 2007, by Senator **MITCHELL** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 2, 2007, Reports **READ.**)

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I just want to take a minute of your time. This is a 12 - 1 report and I'm the one. I don't have much hope here except to use this process as an educational moment. This is one of the small elements of tax reform that we will be dealing with in a few weeks. I just want to tell you about this tax on businesses, as far as their purchase of energy is concerned. If you relate this just to fuel oil you will notice that currently in the statutes that, to the extent a business buys fuel oil, they pay a tax on it. To the extent that the business is a manufacturing firm, they are exempt from paying that tax. That's in line with the policy that's well established, we don't tax manufacturing in the interim steps. They are exempt. Well almost exempt. Not quite. They are exempt from 95% of the cost because a business also heats space so they pay sales tax, which is 5%, on 5%. So 5% of 5% of their expenses for heating oil and energy use. That is a little bit problematic right there. That's not the end of it. In addition to that, if you run a hotel or motel you are exempt from paying this sales tax on energy. How did we get there? I don't know. There is probably a reason for it. By the way, also if you are using fuel oil in a blueberry field, to burn the fields off periodically, you are also exempt. This is the stuff that is just crying out for fixing of some sort. Madame President, that was the sole purpose of this pitch today. An educational moment about tax reform. 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 will be very brief as well. Having submitted this bill, I feel kind of compelled to explain the reason I put this bill forward. I had tried a couple of years ago, when we first came into session and had the LIHEAP bill that we rushed through, when I put forward an amendment which was mildly successful but not successful enough to pass. The reason I put this bill in was because the cost of fuel has increased. Thus the cost of taxes and the cost of doing business in this state has increased as well. The money has gone to the state. I put it in because I want to shine the light on this because we talk about how we want to do good for business yet, in this particular case, we increase the cost of doing business on autopilot. Thank you for allowing me to share that with you and we'll try again next year.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/2/07) Assigned matter:

Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1235 L.D. 1769

Tabled - May 2, 2007, by Senator **WESTON** of Waldo

Pending - **PASSAGE TO BE ENGROSSED**

(In House, April 26, 2007, **PASSED TO BE ENGROSSED**.)

(In Senate, May 2, 2007, **PASSED TO BE ENGROSSED**, in concurrence. On motion by Senator **WESTON** of Waldo, **RECONSIDERED**.)

PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/2/07) Assigned matter:

Emergency

An Act To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local Authorities
S.P. 142 L.D. 441
(C "A" S-33)

Tabled - May 2, 2007, by Senator **MITCHELL** of Kennebec

Pending - **ENACTMENT**

(In House, May 1, 2007, **PASSED TO BE ENACTED**.)

(In Senate, April 11, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-33)**.)

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I rise to provide to the member of the Business, Research, and Economic Development Committee an opportunity to provide just some brief clarification of intent. The bill that is before us increases the membership on the Maine State Housing board and provides the opportunity for 8 of the 10 members to be put forward by the Chief Executive. It directs 3 of the 8 as to the background or the representative entities that they would like to see present on the board. Of the remaining 5 it offers in general terms a suggestion where 2 may come from and leaves open the remaining 3. The purpose for rising is to simply provide the opportunity for the members of the committee, if they wish, to elaborate as to where they might like to encourage future Chief Executives to draw from in terms of areas of representation with these 3 new seats on the Maine State Housing board. Thank you very much.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I'm going to recall to the best of my ability the exact wording, and I'm hoping other members of the committee might rise to help me out. There was testimony from the disability committee that they wanted representation on the board and we were very interested in promoting that. However, there was also conversation about whether or not we could really fill that position. We wanted to have the language to be permissive instead of requiring that this position come from the disability committee. The other one was the banking and real estate industry. Again, we wanted to have someone that was learned and schooled in the development of housing and we wanted to make those suggestions but again wanted to leave the language permissive in the event that we couldn't find the right people for those positions. Thank you.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator 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.

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

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

Off Record Remarks

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Wednesday, May 9, 2007, at 4:00 in the afternoon.