

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

Off Record Remarks

In Senate Chamber
Tuesday
May 15, 2007

PAPERS FROM THE HOUSE

Joint Order

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

The following Joint Order:

H.P. 1334

ORDERED, the Senate concurring, that the Committee To
Study the Prison Industries Program is established as follows.

Prayer by Senator Nancy B. Sullivan of York County.

1. Committee To Study the Prison Industries Program established. The Committee to Study the Prison Industries Program, referred to in this order as "the committee," is established.

SENATOR SULLIVAN: Good morning. I grabbed one of my favorite books and I just happened to notice that it was \$3.95 when I bought a hard covered book and my maiden name, Nancy Beaulieu, is in it. I want to read the beginning of an excerpt from *The Prophet*. 'Then a priestess said, 'Speak to us of prayer' and he answered saying, 'You pray in your distress and in your need, would that you might pray also in your fullness of joy and in your days of abundance.' I ask you to join with me in prayer, in gratitude, and in joy.

2. Membership. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice and Public Safety.

Dear God, Father, Mother, Great Spirit, Allah, we gather here on this rainy Tuesday with gratitude for all our abundance. We are grateful to be citizens of America and citizens of Maine. In gratitude to the people who elected us to be their voice, we gather to do the people's business. We ask for Your guidance to be the voice of those who are voiceless, to be the eyes for those blinded by hate and prejudices, to be the ears for those who are unable to hear the cries for compassion and understanding, and to be the heart for those who have lost theirs to indifference and self attainment. We are overwhelmed by the wants and needs of our constituents and our state. We ask for Your guidance as we sift through the issues before us and chose solutions that may be new and somewhat scary, certainly not perfect but solutions. We ask for a greater understanding of compromise and the art of both giving and receiving. We are thankful both for and to our families and we pray for the family here gathered. Let us truly value and respect one another. May we build friendships and alliances based on our similarities instead of our differences. May we begin this week grounded by our common goals. Lastly, Lord, we pray for Your guidance to do not only well in our job before us but also to do good for Maine and her people. Amen.

3. Committee chairs. The Senate Chair and the House Chair of the Joint Standing Committee on Criminal Justice and Public Safety are the chairs of the committee.

4. Convening of committee. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than September 15, 2007.

5. Duties. The committee's duties include:

- A. Reviewing and assessing the current Department of Corrections' industries program, as well as past industries programs studies and proposed changes;
- B. Investigating industries programs in other states;
- C. Consulting with the Department of Labor and other experts to help determine what areas of the workforce clients who participate in industries programs may be able to transition into upon release;
- D. Developing a plan to ensure that an industries program has the financial capacity to be of value;
- E. Identifying a standard accounting procedure and other standard policies for operating an industries program; and
- F. Exercising any other steps necessary to evaluate, define and implement a financially viable, productive and useful corrections industries program that will support itself, provide support to the corrections system and provide skills to clients.

Pledge of Allegiance led by Senator Joseph C. Brannigan of
Cumberland County.

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

Reading of the Journal of Thursday, May 10, 2007.

7. Compensation. 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.

Doctor of the day, Dervilla McCann, MD of Winthrop.

8. Report. No later than January 15, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report.

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

10. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.P. 704

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 10, 2007

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:
Please be advised that Governor John E. Baldacci has nominated James Nimon of Augusta for appointment and Greg Cunningham of North Yarmouth for reappointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30 M.R.S.A. § 6212 these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 705

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 10, 2007

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Sallie Chandler of Lebanon for appointment to the Maine Human Rights Commission.

Pursuant to Title 5 M.R.S.A. § 4561 this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 706

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 10, 2007

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Rick Lawrence of Portland and Rae Ann French of Augusta for reappointment to the Maine District Court.

Pursuant to Article 5, Part 1 Section 8 of the Constitution of Maine these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.C. 275

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

May 9, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 607 An Act To Improve Electrical Safety
- L.D. 1466 An Act To Address Issues Related to Chiropractic Licensure
- L.D. 1657 An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection

L.D. 1702 An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 276

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 9, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 950 An Act To Amend the Endangering the Welfare of a Child Laws
- L.D. 1085 An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property

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

Sincerely,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Stanley J. Gerzofsky
House Chair

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

The Following Communication: S.C. 277

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

May 9, 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. 364 An Act To Stop Misleading Drug Advertisements
- L.D. 1751 An Act To Address Smoking in Senior Housing

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

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

The Following Communication: S.C. 278

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 9, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 688 An Act To Establish a Universal Health Care Program
- L.D. 1539 An Act To Implement a Single-Payor Health Care System

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. John R. Brautigam
House Chair

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

The Following Communication: S.C. 279

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

May 9, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 903 An Act To Assist Maine Military Families
- L.D. 934 An Act To Establish Working Hours and Wages for Teenagers
- L.D. 1455 An Act Concerning the Duties of Employers in the Case of Mass Employee Termination
- L.D. 1546 An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours

- L.D. 1586 Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings
- L.D. 1599 An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development
- L.D. 1809 An Act To Base Minimum Wage Increases on the Consumer Price Index

Sincerely,
 S/Sen. Lisa T. Marraché
 Senate Chair

S/Rep. John L. Patrick
 House Chair

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

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

The Following Communication: S.C. 281

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

May 9, 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 bill out "Ought Not to Pass":

- L.D. 1306 An Act To Protect against Discrimination in Housing

We have also notified the sponsor and cosponsors 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.**

Sincerely,
 S/Sen. Ethan Strimling
 Senate Chair

S/Rep. John L. Tuttle, Jr.
 House Chair

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

The Following Communication: S.C. 280

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

May 7, 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 bill out "Ought Not to Pass":

- L.D. 1548 An Act Concerning Nonprofit Political Action Committees

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

The Following Communication: S.C. 282

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

May 2, 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1090 An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore S. Koffman
House Chair

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

The Following Communication: S.C. 283

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

May 9, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 108 An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards

L.D. 1168 An Act To Amend New Motor Vehicle Laws Regarding Emission Standards

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore S. Koffman
House Chair

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

The Following Communication: S.C. 284

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

May 9, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1299 An Act To Amend the Farm and Open Space Tax Law BY REQUEST

L.D. 1647 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. John F. Piotti
House Chair

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

The Following Communication: S.C. 285

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

May 2, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1301 An Act To Require All Construction Vehicles To Have a Backup Sensor

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 286

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

May 7, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1748 An Act Regarding Street Rods and Custom Vehicles

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 287

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

May 9, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1343 An Act To Encourage Vanpooling and Carpooling

L.D. 1563 Resolve, To Name 3 Bridges in Honor of Medal of Honor Recipients

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 288

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

May 9, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 742 An Act Concerning Wholesale Power Purchases by Consumer-owned Transmission and Distribution Utilities
- L.D. 743 An Act To Allow Transmission and Distribution Utilities To Generate and Sell Power
- L.D. 759 An Act To Increase the Percentage of Renewable Power in Systems of Very Large Investor-owned Transmission and Distribution Utilities
- L.D. 1068 An Act To Enhance Maine's Energy Independence and Security
- L.D. 1340 An Act To Enhance the Reliability and Competitiveness of Maine's Electricity Market

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

ORDERS

Joint Resolutions

On motion by Senator **DAMON** of Hancock (Cosponsored by Representative ADAMS of Portland and Senator: DOW of Lincoln, Representatives: EATON of Sullivan, FLETCHER of Winslow, MacDONALD of Boothbay, MAZUREK of Rockland, McDONOUGH of Scarborough, PENDLETON of Scarborough, PERCY of Phippsburg) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 702

JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2007 NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO USE THE AREA MANAGEMENT CONCEPT FOR GROUND FISH MANAGEMENT

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the delegates to the 2007 New England Fishery Management Council as follows:

WHEREAS, the rich and fabled fishing grounds of the American northeast coast first brought from the Old World to the New World Europeans who found the abundance that became the foundation of New England; and

WHEREAS, the legendary abundance of cod and other Gulf of Maine groundfish provided the bounty that sustained thousands of hardy Maine deepwater fishermen sailing seasonally from hundreds of Maine harbors; 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 hardships for Maine's remaining groundfishing families today; and

WHEREAS, as a symbol of this decline, in the 10 years from 1996 to 2006 alone Maine's active federal groundfishing permits have declined in number from 165 to 91, a dramatic 45% decline; and

WHEREAS, such impacts are reflected in the continuing loss and declining numbers of shoreside support industries, including ice suppliers, fuel vendors, fish buyers and processors, fishing gear shops, bait suppliers, boat repair businesses and transport firms, among others, and the accompanying value each added; and

WHEREAS, this loss of fish and the loss of fishing livelihoods has occurred under the current approach to management, known as "Days at Sea," which limits the number of days permit holders may go to sea and make legal landings of their catch; and

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

WHEREAS, the New England Fishery Management Council has asked for 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 fishing resources; and

WHEREAS, a diverse regional coalition of Maine and New England stakeholders has thus formed, including fishermen, scientists, interested citizens and conservation and harvesting interests, and has proposed a new system of resource

management that meets the New England Fishery Management Council requirements, entitled "Area Management"; and

WHEREAS, "Area Management" takes into account the ecological differences between ocean regions and species and aligns the economic incentives of the fishing business with ecologically sound practices to promote greater accountability, ecological sustainability and an enduring long-term fishing industry for New England, embracing the widespread environmental, economic and social good; and

WHEREAS, the concept of "Area Management" offers the best promise to rebuild our once-fertile fishing grounds, to sustain our State's fishermen, to replenish traditional fishing stocks, to provide for the ancient livelihood of our coastal communities up and down the rugged reaches of the Gulf of Maine and to provide abundant harvests and healthy food for the present and future citizens of our nation from the waters of New England; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request the delegates from the State of Maine to the 2007 New England Fishery Management Council to support the "Area Management" concept and actively advocate for an "Area Management" concept of groundfish management for the benefit of all who now and in days to come "go down to the sea in ships, that do business in 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, to Rip Cunningham, Chairman of the Multispecies (Groundfish) Committee, to Paul Howard, Executive Director of the New England Fishery Management Council, to Pat Kurkul, Regional Director of the National Marine Fishery Service, to each member of the New England Fishery Management Council and to each member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **COURTNEY** of York (Cosponsored by Senators: BARTLETT of Cumberland, BENOIT of Sagadahoc, BOWMAN of York, BRANNIGAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, McCORMICK of Kennebec, MILLS of Somerset, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, TURNER of Cumberland, WESTON of Waldo, Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AUSTIN of Gray, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of

Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BERUBE of Lisbon, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, COTTA of China, CRAVEN of Lewiston, CRAY of Palmyra, CRESSEY of Cornish, CROCKETT of Augusta, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, CURTIS of Madison, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, DUPREY of Hampden, EATON of Sullivan, EBERLE of South Portland, EDGEComb of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FINLEY of Skowhegan, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFISKY of Brunswick, GIFFORD of Lincoln, GILES of Belfast, GOULD of South Berwick, GREELEY of Levant, GROSE of Woolwich, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HOTHAM of Dixfield, JACKSON of Allagash, JACOBSEN of Waterboro, JOY of Crystal, KAENRATH of South Portland, KNIGHT of Livermore Falls, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LEWIN of Eliot, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MIRAMANT of Camden, MOORE of Standish, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, PATRICK of Rumford, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Greenville, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMSON of Auburn, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TIBBETTS of Columbia, TREAT of Farmingdale, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WAGNER of Lewiston, WALCOTT of Lewiston, WALKER of Lincolnville, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 703

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
CONGRESS TO REQUIRE THE UNITED STATES
DEPARTMENT OF DEFENSE TO REINSTATE THE
TERMINOLOGY OF "POW" OR "PRISONER OF WAR" INTO
THE CLASSIFICATION OF MILITARY PERSONNEL**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, for many years in the past the United States Department of Defense used the terminology of "POW" or "Prisoner of War" to describe a member of the military's casualty status and category for reporting purposes; and

WHEREAS, the United States Department of Defense's current term, "Missing/Captured," dramatically reduces the impact of reports and alters the responses from national and international organizations that have historically interceded in such cases; and

WHEREAS, the nature of war has changed markedly and permanently and, rather than change accordingly to provide maximum protection of all we send in harm's way, our government has established requirements that are too specific to be workable, too vague to be applicable or too confusing to achieve understanding; and

WHEREAS, the protection that should be automatically accorded those in harm's way is seriously eroded with the "Missing/Captured" classification; and

WHEREAS, American servicemen and servicewomen are not disposable items and their security and well-being are more significant than the concerns, goals, sensitivities and idiosyncrasies of our enemies, or of any other nation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress require the United States Department of Defense to reinstate "POW" or "Prisoner of War" into the casualty status and category classification of military personnel; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Secretary of Defense and to each Member of the Maine Congressional Delegation.

READ.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Thank you for consideration to allow this Joint Resolution to be presented. It is very simple. It asks that Congress reinstate the term 'Prisoner of War' for our service people that are captured. Hopefully this will add increased protection to those servicemen so they can ensure all the benefits

of the Geneva Convention. It would be very clear that if you take one of our servicemen then they are considered a prisoner of war and it's my hope that you will join me in sending this letter to Congress. Thank you.

On motion by Senator **COURTNEY** of York, **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1278 L.D. 1831

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Retail Tobacco License Compliance"

H.P. 546 L.D. 725

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1234 L.D. 1768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-203)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-203)**.

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

READ ONCE.

Committee Amendment "A" (H-203) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids"

H.P. 682 L.D. 907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-213)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**.

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

READ ONCE.

Committee Amendment "A" (H-213) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth (EMERGENCY)

H.P. 1092 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-204)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**.
Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-204) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws"

H.P. 376 L.D. 492

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-205)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205)**.

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

READ ONCE.

Committee Amendment "A" (H-205) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses"

H.P. 680 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-202)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202)**.

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

READ ONCE.

Committee Amendment "A" (H-202) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services"

H.P. 694 L.D. 919

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-212)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212)**.

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

READ ONCE.

Committee Amendment "A" (H-212) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Missing Senior Citizen Alert Program"

H.P. 587 L.D. 769

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

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
TIBBETTS of Columbia
KAENRATH of South Portland
HASKELL of Portland
SYKES of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-196)**.

Signed:

Representatives:

GERZOFISKY of Brunswick
BLANCHETTE of Bangor

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196) AS AMENDED BY HOUSE AMENDMENT "A" (H-218)** thereto.

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Changes in the Essential Programs and Services Funding Formula Concerning Labor Market Areas"

H.P. 42 L.D. 44

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
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
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-210)**.

Signed:

Representatives:

SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville

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

Reports **READ**.

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

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

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Requiring Public Disclosure of Health Care Prices"

H.P. 962 L.D. 1370

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

Signed:

Senators:

BRANNIGAN of Cumberland
RAYE of Washington

Representatives:

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

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

Signed:

Representative:

WALCOTT of Lewiston

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing Bingo" H.P. 690 L.D. 915

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-207)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
PINKHAM of Lexington Township
NASS of Acton
GOULD of South Berwick
HOLMAN of Fayette

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Accept the Determination of Public Opinion on Municipal Projects"

H.P. 779 L.D. 1061

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
WEAVER of York
BEAUDETTE of Biddeford
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-214)**.

Signed:

Representatives:

BOLAND of Sanford
SIROIS of Turner
SCHATZ of Blue Hill

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Allow Municipalities To Set Speed Limits on Certain Roads"

H.P. 937 L.D. 1329

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

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

Signed:

Representatives:

BROWNE of Vassalboro
THOMAS of Ripley
CEBRA of Naples

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers"

H.P. 846 L.D. 1153

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-211)**.

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

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

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

Signed:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison

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-211)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-211) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Six Members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents"

H.P. 12 L.D. 11

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-185).**

Signed:

Senator:
GOOLEY of Franklin

Representatives:
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
JACKSON of Allagash
LUNDEEN of Mars Hill

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senators:
BRYANT of Oxford
PERRY of Penobscot

Representatives:
RICHARDSON of Carmel
EBERLE of South Portland
WHEELER of Kittery
BRYANT of Windham

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-185).**

Reports **READ.**

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** Report "B", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE.**

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

Senate

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Preserve and Grow Maine Small Businesses"
S.P. 478 L.D. 1364

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-101).**

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

READ ONCE.

Committee Amendment "A" (S-101) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Health Standards in Piercing Procedures"
S.P. 405 L.D. 1217

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-104).**

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

READ ONCE.

Committee Amendment "A" (S-104) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws"
S.P. 584 L.D. 1678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-102).**

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

READ ONCE.

Committee Amendment "A" (S-102) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Increase Funding for the Spaying and Neutering of Companion Animals" S.P. 217 L.D. 680

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-103)**.

Signed:

Senators:

NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:

PIEH of Bremen
MAREAN of Hollis
GIFFORD of Lincoln
CARTER of Bethel
PIOTTI of Unity
LUNDEEN of Mars Hill
CRAY of Palmyra
PRATT of Eddington
EDGECOMB of Caribou
PINEAU of Jay

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

Signed:

Senator:

ROTUNDO of Androscoggin

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-103) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create the Marine Research Matching Fund" S.P. 150 L.D. 463

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

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-105)**.

Signed:

Representatives:

RECTOR of Thomaston
BEAUDETTE of Biddeford

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs" (EMERGENCY) S.P. 213 L.D. 676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-106)**.

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFISKY of Brunswick
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
TIBBETTS of Columbia
HASKELL of Portland
SYKES of Harrison
GREELEY of Levant

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

Signed:

Representative:
BLANCHETTE of Bangor

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-106) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Prepare for any Statewide or Regional Emergency

S.P. 385 L.D. 1197

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

Signed:

Senators:
DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:
GERZOFSKY of Brunswick
GREELEY of Levant
HILL of York
HANLEY of Gardiner
TIBBETTS of Columbia
HASKELL of Portland
SYKES of Harrison

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

Signed:

Representatives:
BLANCHETTE of Bangor
PLUMMER of Windham

Reports **READ.**

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

Sent down for concurrence.

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

Off Record Remarks

SECOND READERS

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

House

Bill "An Act Concerning the Supervision of Nursing Support Staff"
H.P. 741 L.D. 981

Bill "An Act To Clarify and Update the Laws Related to Property and Casualty Insurance"
H.P. 1052 L.D. 1502

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

House As Amended

Bill "An Act To Establish a Special Veterans License Plate for Motorcycles"
H.P. 199 L.D. 228
(C "A" H-189)

Bill "An Act To Facilitate the Establishment of Tribal Electric Utility Districts"
H.P. 200 L.D. 229
(C "A" H-184)

Bill "An Act To Improve Juvenile Justice"
H.P. 293 L.D. 363
(C "A" H-186)

Bill "An Act To Exempt Registered Farm Trucks from Commercial Inspection"
H.P. 402 L.D. 524
(C "A" H-183)

Bill "An Act To Ensure Truth in Music Advertising"
H.P. 517 L.D. 686
(C "A" H-198)

Resolve, To Create an Effective Coyote Control Program
H.P. 620 L.D. 823
(C "A" H-190)

Bill "An Act To Make Part 1 of the Maine Criminal Code Gender-neutral"

H.P. 726 L.D. 966
(C "A" H-187)

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

Sent down for concurrence.

Bill "An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws"

H.P. 806 L.D. 1088
(C "A" H-199)

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

Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits

H.P. 895 L.D. 1267
(C "A" H-195)

ENACTORS

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

Bill "An Act To Make Civil Process Fees on Papers Served on Behalf of the State of Maine Consistent with Fees Paid by Other Government Entities"

H.P. 957 L.D. 1365
(C "A" H-192)

Emergency Measure

An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine

S.P. 83 L.D. 246
(C "A" S-54)

Resolve, To Promote High-quality Before-school and After-school Programs

H.P. 961 L.D. 1369
(C "A" H-200)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Resolve, To Provide Adequate Funding for Emergency Homeless Shelters (EMERGENCY)

H.P. 963 L.D. 1371
(C "A" H-201)

Emergency Measure

An Act To Establish an Agriculture Education Registration Plate

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

Bill "An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass"

H.P. 1049 L.D. 1487
(C "A" H-193)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Bill "An Act To Ensure the Proper Management of the Sea Urchin Industry"

H.P. 1117 L.D. 1595
(C "A" H-191)

Emergency Resolve

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

H.P. 40 L.D. 39

Bill "An Act To Strengthen the Authority of Concealed Weapons Permits and Define the Term 'Crossbow' in Maine Law"

H.P. 1211 L.D. 1728
(C "A" H-188)

Resolve, To Promote Alternative Schools within Existing School Systems (EMERGENCY)

H.P. 1224 L.D. 1758
(C "A" H-194)

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

Senate As Amended

Bill "An Act To Renew the Promise of Higher Education"

S.P. 337 L.D. 1020
(C "A" S-97)

This being an Emergency Measure and 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 entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources
H.P. 1235 L.D. 1769

This being an Emergency Measure and 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 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.

Mandate

An Act To Amend the Laws Governing Compulsory School Attendance
S.P. 155 L.D. 468
(C "A" S-63)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, and 31 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.

Acts

An Act To Change Snowmobile Registration Requirements
S.P. 87 L.D. 250
(C "A" S-70)

An Act Regarding Eminent Domain Authority and Certificate of Public Convenience and Necessity Requirements for the Construction of Transmission Lines
S.P. 215 L.D. 678
(C "A" S-62)

An Act To Reduce Lobster and Crab Fishing License Fees for Persons 70 Years of Age or Older
H.P. 522 L.D. 691
(C "A" H-154)

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)

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)

An Act Regarding the Solar Energy Rebate Program
S.P. 244 L.D. 795
(C "A" S-67)

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)

An Act To Amend the Maine Health Data Organization Laws
S.P. 290 L.D. 902
(C "A" S-59)

An Act To Delay the Effective Date of Changes to Motor Vehicle Inspection Rules
H.P. 713 L.D. 938
(C "A" H-156)

An Act To Change Building Requirements for County Buildings and Land
H.P. 774 L.D. 1056
(C "A" H-148)

An Act Regarding Energy-generating Facilities
H.P. 789 L.D. 1071
(C "A" H-134)

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)

An Act To Amend the Composition of the Maine Port Authority
S.P. 435 L.D. 1249
(C "A" S-68)

An Act To Enhance Protection against Rabies in Wolf Hybrids
H.P. 911 L.D. 1293
(C "A" H-141)

An Act To Amend the Laws Regarding Adult Education
S.P. 563 L.D. 1619

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 Enhance Education Services for Blind and Visually Impaired Children

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

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

An Act To Improve Employment Opportunities for Persons with Disabilities in Maine

S.P. 349 L.D. 1032
(C "A" S-71)

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

Bill "An Act To Compute the Automobile Excise Tax Based on the Actual Purchase Price"

H.P. 1339 L.D. 1905

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

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

Resolves

Resolve, To End Fraud in Maine's Welfare Benefit Programs

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

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)

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:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Clarify the Authority of Municipal Boards and Committees" (EMERGENCY)

H.P. 1340 L.D. 1906

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **JUDICIARY** 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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights"

H.P. 477 L.D. 628

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores"

S.P. 269 L.D. 859

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/4/07) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Contract Out the State Single Audit"

H.P. 272 L.D. 342

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-42)** (5 members)

Tabled - April 4, 2007, by Senator **SCHNEIDER** of Penobscot

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

(In House, April 3, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 4, 2007, Reports **READ**.)

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

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (4/24/07) Assigned matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"

S.P. 78 L.D. 241

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-47)** (3 members)

Tabled - April 24, 2007, by Senator **DAMON** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 24, 2007, Reports **READ**.)

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#64)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, HASTINGS, HOBBS, MARTIN, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SCHNEIDER, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DIAMOND, DOW, GOOLEY,
MARRACHE, MCCORMICK, MILLS, NASS,
ROTUNDO, SAVAGE, SMITH, TURNER, WESTON

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-47) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/1/07) Assigned matter:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Make Lobster Trap Molesting a Civil Offense"

H.P. 18 L.D. 16

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-74)** (4 members)

Tabled - May 1, 2007, by Senator **BENOIT** of Sagadahoc

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, April 26, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74).**)

(In Senate, May 1, 2007, Reports **READ**.)

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 Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. This bill is asking us to change a Class C crime, which is a serious crime, to a civil penalty. I would note in the paper the other day that a bill is in the process to change the OUI law from a 6 offense to go to a Class B crime, a more serious offense. That means 1 - 5 are considered serious offenses and are still being maintained at this Class C level because they are serious. No one asked for some of these levels to be decreased. We have a situation similar here. We're asking for a jury trial bill to be settled in a civil court by a 51% margin instead of a 12 - 0 margin. Therefore that is the basis of my disapproval to this bill. I would never take a law

considered as serious as a Class C crime and move it to civil. The bill mentions something about technical changes. That note is incorrect. It shouldn't have come out of the office written that way. They are not technical changes to the law. They are major changes in the law.

Molesting a lobster trap has to do with several categories. It can be cutting the trap by someone. It can be moving it. Pulling it. It was even mentioned that somebody could set a glove on a trap, just to leave it as a message, and that would be considered molestation. I would maintain that this is a serious crime but that it needs to be settled in a court of law because the penalties that can result from it are too serious to be in a civil court. The penalties are this; not only are you going to receive the penalties that are specified from the civil code which are \$100 to \$500, whereas in the criminal code the penalties are more, but the possibilities exist that somebody's license will be taken for a period of 3 years. Driver's licenses are lifted, but that doesn't eliminate a person's job because they are able to get back and forth to work. This would eliminate a job, a livelihood, and support for a family. They will end up losing their boat because they won't be able to make payments. At the end of 3 years they will be technically out of business and we should not be doing this on a civil lawsuit case. We should not be denying the chance. In Wiscasset a lobster fisherman had to let his stern man, who had worked for him a few years, go. He had to let him go. Within a week's time there were complaints issued against the lobster fisherman for molesting traps. That case took on a serious note. It finally had to be thrown out because the log records had been altered by some people, not the lobsterman but some other people, in the investigation process. This is not something to be taken lightly by a 51% margin. I would ask that this maintain its status as a Class C crime. Something as serious as this needs to be done in a court of law and if a department needs help prosecuting such cases because it's just too difficult for them then they need to do things in a different way and not take away a person's livelihood. Man or woman, there are plenty of women out there that are fishing also. Because of the consequences that can result from this change, I would beg that this motion be defeated and the Majority Report accepted. Thank you.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Before going away to do some other business for the marine interests of the State of Maine last week I recall sitting and listening to my good friend and colleague and seatmate on the Marine Resources Committee, the good Senator from Lincoln, Senator Dow. He talked about molesting traps and said that any time you haul up a trap or move a trap or touch a trap that you are molesting it. That's almost true. Anybody who doesn't own the trap is molesting it. If you own the trap you have a right to haul it. You have a right to set it. You have a right to move it. You are not molesting it. Everybody else, keep your hands off. It's that important. It is an important bill. It is about livelihoods. It is about doing the right thing. For the hundreds, nay thousands, of fulltime lobster fishermen, or part-timers for that matter, who want to go and harvest the bounty of the sea and do it within the laws and the confines of the law of the State of Maine there isn't a problem. When you want to touch somebody else's gear, whether you want to send a message by putting a glove on the trap or by taking the spindle and putting a couple of half-

hitches around the buoy so that the nose sticks up in the water, that's an indication that you don't want that person fishing in that space. You know what you are also doing? You are molesting that person's gear. Then the molestation can go to cutting the trap off. That person who has spent \$70 on that trap and that wharf to help make themselves a living has lost that money because somebody doesn't want them there. That's molestation. It's very serious. When our Marine Patrol, those 34 officers that we have to patrol 5,500 miles of coastline in the State of Maine, find a molestation case and they document it and they don't have the photographs or all the other things that might be presented in a criminal court of law that would stand up, but they know exactly what has happened. So does the fisherman and so does the person who is molesting the gear. They know what's happened. Because of the technicalities of our law so many of those cases get thrown out of court. It becomes a very frustrating exercise for those people who have tried to do the right thing and tried to live within the spirit and intent of the laws of the State of Maine.

The bill before us and the amendment before us simply says that nobody may raise, lift, transfer, possess, or in any other manner molest any lobster trap, wharf, buoy, or car except as provided in this section and they give the authority to a Marine Patrol officer, the licensed owner of the gear, any person having written permission from the Commissioner or any other person authorized pursuant to Sub-section 2. Then this civil law goes on to provide a violation, which is that a person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 for each violation maybe adjudged. Then there are additional penalties. They may order the person to pay the owner of the trap whose line was cut an amount equal to twice the replacement value of all the traps lost as a result of that cutting and direct the person to provide proof of payment of that restitution to the Commissioner as required. Those are imposed because this is a serious problem. I couldn't agree more with the good Senator. I also must disagree with him that we need to be able to enforce this and not have people who violate our laws laugh in the face of the laws because it can be thrown out with a technicality.

The other issue, which is also an important one, is that the Commissioner may, upon their discretion, suspend the license of the person who is in violation. That's not something this Commissioner or any other Commissioner will take lightly because it does just exactly what the good Senator mentions, it takes away a person's ability to make a living going lobstering. That person ought to know it. That person ought to respect it. That person, before he does the crime, needs to be able to think about the time. With that, I urge you to allow the honest hardworking fish people, the lobstermen of Maine, to be able to continue to ply their trade, to continue to do the work they want, that they love to do, that they want to do, and that they need to do and we are able to now prosecute those people who try to deny them of that work in a manner that is entirely acceptable, fair, and judicial. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. I stand here today to explain to you why I cannot support LD 16. In my mind, changing this law and doing what the bill proposes could create a problem in a very competitive environment of the lobster and fishing industries.

These fishermen operate on a very different type of rule than any other industry in this state. I've learned a lot serving on this committee and I thoroughly enjoy it. The nature of this legislation could add an economic incentive for false claims. I do not think that we should go there. Do you? I also agree with the Senator from Lincoln, Senator Dow, that every person that was accused of this type of crime should go before a judge and jury and have a complete hearing. Some of you know that I am a person who is really tough on crime. We need to be tough. We need to be tough on those who commit serious crimes. I also believe that it must be done the right way and that every person deserves their day in court. That is why I hope that you will join the Majority Report and the Senator from Lincoln, Senator Dow, and I and vote ought not to pass on LD 16. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I am going to support the Minority Ought to Pass Report because I have seen, worked with, spoken with the lobstermen, and have 6 years of past experience on this issue. If you were to ask the lobstermen what they've done for their industry they will tell you that Maine has some of the strictest laws going from V-notch to egg producing lobsters, size of vent, and all kinds of regulations they have gone through to save the industry and not be in the likes of where groundfishing is. They also will tell you that the evidence that has to be produced in order to win a conviction when somebody, one of them, is pulling traps with the expense of bait, fuel, and all, they get angry. I come from an area where fishing is extremely important and at one point 9 years ago in Cape Porpoise we had cutting of traps and lobstermen carrying guns simply to protect their property. The lobstermen lovingly refer to the fact that they can enact waterline legislation perhaps better than Augusta can. We need to allow this. I need to tell you it is much like when I was growing up and drunk driving did not have the stigma that it now has. That's because of society. In the lobstermen's world and their livelihood is those traps. When somebody pulls that and they have to pay a fine up to \$500 per infraction. Lobstermen can have up to 600 traps out in my district and 800 in some places. You pay financially, but more importantly, within the society of lobstermen, you are labeled as stealing from your fellow lobster people. That is an unacceptable thing. We can convict more and we can stop molestation better by lowering that level of crime denotation and making sure that it is publicly published that so and so was fined \$8,000 for molestation of traps. That travels fast. I would ask you to support this. It is a protection for our lobstermen. If you come from an area where there are lobstermen, ask them. If you are a logger, ask them if it would be okay to go and cut trees just a little bit just because you don't like them being in a certain place. It's their business. It's their property. I ask you to support that for the lobstermen. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. I hesitate to jump into this but as I listened the case of a football player charged with murder who was found not guilty but had to give up his Heisman Trophy when he was found responsible is sort of

what is happening here. The criminal case is so hard to make. There is the factor of beyond a reasonable doubt. The civil case is a more likely than not. I think what hasn't been said here is that there may be an easier remedy than the case that is trying to be made now. I hope that was a little clearer, I tried to allude but not name, than what was said before. I do have a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Does this ever rise to the level of a criminal offense?

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

Senator **DAMON:** Thank you, Madame President. If this law were changed as we are proposing it be changed, I don't think that it does rise to the level of a criminal offense. I think that before it has risen to that level it's taken care of. The penalties that are assessed, whether civilly or criminally, would take care of the violation. That's really the purpose of this, so we can have the opportunity to deal with these infractions, to deal with these cheaters, to deal with these thieves, to deal with these thugs, and to allow people to work. That's the purpose of this in spite of some other stuff that might have been said. Thank you, Madame President.

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

Senator **DOW:** Thank you, Madame President. I just wanted to respond to some of the things that have been said by my good friend in the Senate, the Senator from Hancock, Senator Damon, who I consider a fellow member of the Order of the Crow. I feel he made my case for me. He said that everybody knows who did it. They just don't have the proof. Is that how our judicial system works? We're going to lower the standards of proof in order to convict somebody of this crime. To me this isn't about fishing, this is about the order of law in society. Are we going to make crimes easier to prove just so we can convict somebody when it's a serious offense? This is really what we are about. I know the issue is lobstering. I know the issue is cutting traps or whatever else they do. When you talk to these gentlemen, these fishermen, they do live by their own ways and laws in a sense. They talk about the ways they do it as a gentlemen's agreement. What they really mean is, like from the old days, the law of the knife, unfortunately. These crimes that do happen still need to be proven. We just can't convict somebody because everybody knows who did it, but we just don't have the proof. We can't lower the penalties just so we can convict more. We do need the proof. Our law system operates that way, 51% is not good enough for something as serious as this. My objections are mainly a point of law. I know, I grew up in fishing country but when I talk to the fishermen I tell them I'm a mattress salesman and I've grown up in their business. My relatives are lobster fishermen. My best friends are lobster fishermen. I don't pretend to know their business, but I do intend to protect them from unwanted accusations and false accusations that can occur when somebody has a beef against somebody and wants to file a false

claim. All you have to do is go into a court of law and say that everybody knows who did it but they just don't have the proof. Just because his boat was out by those buoys, but those buoys may have disappeared because a fishing trawler came through or a barge by a tug came through and those traps disappeared, which happens frequently. We can't just rush a judgment just because we know who did it but just don't have the proof. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Accept the Minority Ought to Pass as Amended Report. 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 (#65)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-74) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/1/07) Assigned matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"

S.P. 212 L.D. 675

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

Minority - **Ought to Pass** (1 member)

Tabled - May 1, 2007, by Senator **WESTON** of Waldo

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

(In Senate, April 10, 2007, on motion by Senator **MITCHELL** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 11, 2007, on motion by Senator **DAMON** of Hancock, **RECONSIDERED**.)

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Temporary Registration Plate Law"

H.P. 220 L.D. 264

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-127)** (6 members)

Tabled - May 2, 2007, by Senator **DAMON** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 1, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127)**.)

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

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-127) **READ**.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-87) to Committee Amendment "A" (H-127) **READ** and **ADOPTED**.

Committee Amendment "A" (H-127) as Amended by Senate Amendment "A" (S-87) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/8/07) Assigned matter:

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

S.P. 240 L.D. 791

(C "A" S-43)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43)**, in concurrence

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

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

(In Senate, May 8, 2007, on motion by Senator **MARTIN** of Aroostook, **RULES SUSPENDED**. **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43)**.)

On motion by Senator **RAYE** of Washington, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-43).

On further motion by same Senator, Senate Amendment "A" (S-107) to Committee Amendment "A" (S-43) **READ**.

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

Senator **RAYE:** Thank you, Madame President. This amendment corrects a drafting error in the Committee Amendment. Specifically it restores language clarifying that members of the State Board of Education must be broadly representative of municipalities of various sizes.

On further motion by same Senator, Senate Amendment "A" (S-107) to Committee Amendment "A" (S-43) **ADOPTED**.

Committee Amendment "A" (S-43) as Amended by Senate Amendment "A" (S-107) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43) AS AMENDED BY SENATE AMENDMENT "A" (S-107) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/10/07) Assigned matter:

HOUSE REPORTS -from 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

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-143)** (10 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-144)** (2 members)

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

Tabled - May 10, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence (Roll Call Ordered)

(In House, May 3, 2007, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)** **READ** and **ACCEPTED** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**.)
(In Senate, May 8, 2007, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#66)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence, **FAILED**.

On motion by Senator **MILLS** of Somerset, Report "C", **OUGHT NOT TO PASS ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents"
H.P. 12 L.D. 11

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-185)** (6 members)

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

Tabled - May 15, 2007, by Senator **BRYANT** of Oxford

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

(In House, May 10, 2007, Report "A", **OUGHT TO PASS AS AMENDED, READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-185)**.)

(In Senate, May 15, 2007, Reports **READ**.)

Senator **WESTON** of Waldo requested a Division.

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

Senator **GOOLEY:** Thank you, Madame President. I wish to speak in opposition to the pending motion. I would like to say that obviously this is a divided report and several of us are on the Ought to Pass as Amended by H-185. What I'd like to say about this particular legislation is that, as a proponent, it's not mandatory to purchase these chances and it will boost revenues for the department. Anyone who wants to have the extra chances still has the option. Yes, it will cost more for the 10-chance option, but some of us felt that it was important to allow this to take place. The fee for the 10-chance application is \$35. Some of us felt that this should be allowed. Thank you.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I would just expound a little bit from the good Senator from Franklin, Senator Gooley. What this does is increases what it is going to cost the person that is already buying licenses from Inland, Fisheries and Wildlife. It increases what they have to pay in order to stay in the moose lottery. The other piece that it does do is that in the moose lottery we have a point system whereby if someone stays in longer it increases their points. We have to remember it is a lottery and a lot of people are going to lose. What we are trying to do is maintain continuity with all the rest of the hunters. What this does is takes away their point system increase, and therefore, it kind of disenfranchises that whole system that we set up. Also the fee structure here is not exportable, saying on the non-resident side the amount of tickets you could buy is unlimited but in the same sense the number of moose permits is limited. By allowing this to go

forward we would increase the amount that people have to pay in order to participate. The argument is that they don't really have to pay it because they can buy for a lesser chance. That's not true because if you want to try to get the most chances you can you are going to have to pay the \$35. What we are trying to do is make it so that you have to buy a hunting license, a fishing license, register your trailer, register your boat, and do all the things that you need to do within the system and we're trying not to continue to put the burden on the person that is participating in that sport. We want to try to export some of that. This bill doesn't help us do that. This bill puts more burden on the people that are participating in the sport. It does raise revenue for the department so the department does like it. I think as we go towards raising revenues we need to get the revenue that is exportable, not hitting the same base time and time again. Thank you.

At the request of Senator **WESTON** of Waldo a Division was had. 20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BRYANT** of Oxford to **ACCEPT** Report "B", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Contract Out the State Single Audit"

H.P. 272 L.D. 342

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-42)** (5 members)

Tabled - April 15, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, April 3, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 4, 2007, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#67)

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

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

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

The Chair laid before the Senate the following Tabled and Later (5/8/07) Assigned matter:

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-171)** (6 members)

Tabled - May 8, 2007, by Senator **STRIMLING** of Cumberland

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

(In House, May 3, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 8, 2007, Reports **READ**.)

On motion by Senator **STRIMLING** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/9/07) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit the Activities of Political Candidates at Polling Places to Voting"
S.P. 220 L.D. 683

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-92)** (9 members)

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

Tabled - May 9, 2007, by Senator **MARRACHÉ** of Kennebec

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

(In Senate, May 9, 2007, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/10/07) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act to Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth"
H.P. 505 L.D. 656

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-133)** (7 members)

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

Tabled - May 10, 2007, by Senator **SCHNEIDER** of Penobscot

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

(In House, May 9, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**.)

(In Senate May 10, 2007, Reports **READ**.)

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Off Record Remarks

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

Off Record Remarks

Senator **MARRACHÉ** of Kennebec 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.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Wednesday, May 16, 2007, at 4:00 in the afternoon.