

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

In Senate Chamber
Tuesday
May 29, 2007

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

Prayer by Reverend Kate Braestrup, Chaplain of the Maine Warden Service.

REVEREND BRAESTRUP: I did want to give a small, very brief, explanation for the inspiration for this prayer. I've learned that everywhere I go I take myself with me. Recently I went to Khabarovsk, Russia to meet my daughter, who is a 16-year-old exchange student. If you haven't heard of Khabarovsk, it's all right. I hadn't either. It's all the way on the other side of Russia, almost to the Pacific Ocean, close to China. I went as a Mom, I went as a law enforcement person, and I brought along my Fish and Wildlife self as well. The first thing I learned was that a police officer in Maine may be universally presumed to be a source of help and protection, the uniform is a sign of trustworthiness and basic decency. This is not true in Khabarovsk. You do not talk to cops in Khabarovsk. I was told that many times. More painfully, if I told the Russians that I work in law enforcement, I could actually see the fear and mistrust in their faces. I also learned what an environment that was actually quite like Maine's looks like when it's not protected. The whole time I was there and looking, because I work with Game Wardens, I saw five kinds of animals; sparrows, pigeons, magpies which are like crows, stray cats, and pack of feral dogs. That was it. On a day long excursion into the countryside through fields and woods, on the banks of the Amur River, we saw no ducks, no frog spawn, no fish, no squirrels, we heard no birdsong, and we drove 100 miles through the countryside and saw no road kill. None. When you are driving home tonight or when you are going back to school, I invite you to count how many species you see or hear or smell from your moving car. You'll get a sense of how eerily empty that Russian landscape seemed and what a thankful thing it was to come home to Maine. If you will join me for a moment in the spirit of prayer.

Dear and generous God, we would begin this day in gratitude, for we have inherited treasures. Ours is a natural environment of richness and beauty and wonder. It is a treasure to behold, to partake of, and to defend. Ours is a society blessed in the rule of law, a culture marked by accountability and trust. Here, too, is a treasure to behold, to partake of, and to defend. Built up over generations, paid for too often in blood, these treasures of trust and natural richness are ours unearned and too often unnamed. Our inheritance is perhaps more precious, rare, and fragile then we are inclined to remember. Help us to remember now. In this radiant and fertile season on this day after Memorial Day incline our hearts to thankfulness, that we may know and love and earnestly defend these gifts. We are American and we live in Maine. Amen.

Pledge of Allegiance led by Senator Paula I. Benoit of Sagadahoc County.

Reading of the Journal of Thursday, May 24, 2007.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 339

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

May 23, 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. 1161 | An Act To Make Certain Changes to the Board of Licensure in Medicine |
| L.D. 1681 | An Act To Preserve and Grow Maine Jobs |
| L.D. 1701 | Resolve, To Review the Disciplinary Process of the Board of Licensure in Medicine |
| L.D. 1863 | An Act To Allow Pressure Boiler Inspections by National Board-certified Inspectors (EMERGENCY) |

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. 340

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

May 24, 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. 32 An Act To Create a Regional Jail System BY REQUEST
- L.D. 378 An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison
- L.D. 577 An Act Concerning the Transport of Inmates in the Custody of the Sheriff
- L.D. 613 An Act To Protect Children from Sexual Predators
- L.D. 1228 An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities
- L.D. 1533 An Act Regarding the Violation of Bail
- L.D. 1826 An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee

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. 341

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

May 23, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1886 An Act To Assess Childhood Obesity Trends in Maine

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 342

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

May 23, 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. 996 An Act To Support Medical Practice Protocols in Patient Care
- L.D. 1288 An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization
- L.D. 1764 An Act To Increase the Wages of Direct Support Professional Staff Based on Increases in the State Minimum Wage
- L.D. 1774 An Act To Provide Greater Information Pertaining to the Health of Maine Children

Sincerely,
 S/Sen. Bruce Bryant
 Senate Chair

 S/Rep. Troy D. Jackson
 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.

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. 344

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

May 23, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 809 An Act To Amend the Adverse Possession Law

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

Sincerely,

S/Sen. Barry J. Hobbins
 Senate Chair

S/Rep. Deborah Simpson
 House Chair

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

The Following Communication: S.C. 343

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
 COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 23, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 616 An Act To Allow the Transfer of an Antlerless Deer Permit to a Child with a Disability

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

The Following Communication: S.C. 345

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

May 24, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 223 An Act To Amend the Maine Tort Claims Act
- L.D. 708 An Act To Amend the Laws Concerning the Emancipation of Minors BY REQUEST
- L.D. 714 An Act To Promote Efficiency in the District Court
- L.D. 1734 An Act To Provide Adult Adoptees Access to Information

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 346

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

May 24, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 286 An Act To Protect Veterinarians Providing Animal Welfare Services for the State

L.D. 1029 An Act To Create the Maine Spyware Prevention Act

L.D. 1453 Resolve, Regarding the Privacy of Social Security Numbers

L.D. 1576 An Act To Establish the Leaseholders' Bill of Rights

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 347

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

May 23, 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 bill out "Ought Not to Pass":

L.D. 1580 An Act To Allow Tree Growth Land Transfer to Family Members

We have also notified the sponsor and cosponsors 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. 348

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

May 23, 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. 1164 An Act To Sustain Island Communities

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**.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Reimbursement of Nursing Facilities"

H.P. 1178 L.D. 1669

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-292)**.

Signed:

Senators:
BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

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

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

Representatives:

WALCOTT of Lewiston
GROSE of Woolwich
CAMPBELL of Newfield

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-292) **READ and ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Wild Trout from Exotic Species"

H.P. 799 L.D. 1081

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

Signed:

Senators:

BRYANT of Oxford
GOOLEY of Franklin
PERRY of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-269)**.

Signed:

Representatives:

SAVIELLO of Wilton
EBERLE of South Portland

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-269)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Fund Community Health Centers"

H.P. 1046 L.D. 1484

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

Signed:

Senators:

PERRY of Penobscot
NASS of York

Representatives:

PIOTTI of Unity
RAND of Portland
WOODBURY of Yarmouth
HOTHAM of Dixfield
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-298)**.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

KNIGHT of Livermore Falls
CLARK of Millinocket

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods"

S.P. 578 L.D. 1673

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

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

READ ONCE.

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses"

S.P. 235 L.D. 768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-154)**.

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

READ ONCE.

Committee Amendment "A" (S-154) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Staffing and Reporting Requirements for the Citizen Trade Policy Commission"

S.P. 542 L.D. 1519

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-155).**

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

READ ONCE.

Committee Amendment "A" (S-155) **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 Clarify the Department of Audit's Municipal Internal Control Observation Program"

S.P. 510 L.D. 1462

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-156).**

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

READ ONCE.

Committee Amendment "A" (S-156) **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 Define the Process for a Municipality To Secede from a County"

S.P. 656 L.D. 1840

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-148).**

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

READ ONCE.

Committee Amendment "A" (S-148) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Resolve, To Establish a Second Public Safety Answering Point for Kennebec County (EMERGENCY)

S.P. 184 L.D. 593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-152).**

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

READ ONCE.

Committee Amendment "A" (S-152) **READ**.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-152).

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Firearm Safety on College Campuses"

S.P. 317 L.D. 1000

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

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFISKY of Brunswick
BLANCHETTE of Bangor
GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
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:

Representative:

KAENRATH of South Portland

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Town Academy Advisory Council"

S.P. 601 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-157)**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

HARLOW of Portland
SUTHERLAND of Chapman
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

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

Signed:

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
EDGECOMB of Caribou

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland"

S.P. 637 L.D. 1793

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BOLAND of Sanford
BEAUDETTE of Biddeford
HAYES of Buckfield
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-151)**.

Signed:

Representatives:

WEAVER of York
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
COTTA of China

(Representative BARSTOW of Gorham - of the House - abstaining.)

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Allow the Widening of a Portion of the Maine Turnpike"

S.P. 103 L.D. 320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-150)**.

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
CEBRA of Naples
ROSEN of Bucksport
PEOPLES of Westbrook
MARLEY of Portland

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

Signed:

Representatives:

THERIAULT of Madawaska
THOMAS of Ripley

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-150) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require Owners of Utility Facilities To Accommodate the Installation of Traffic Control Signals and To Permit the University of Maine System To Construct Lines on Public Rights-of-way" (EMERGENCY)
S.P. 474 L.D. 1360

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

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
BLANCHARD of Old Town
CURTIS of Madison
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:

Representative:

RINES of Wiscasset

Reports **READ**.

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

SECOND READERS

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

House As Amended

Bill "An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission" (EMERGENCY)

H.P. 224 L.D. 268
(C "A" H-220)

Bill "An Act To Restrict Use of Trails Designed for All-terrain Vehicles"

H.P. 354 L.D. 455
(C "A" H-291)

Bill "An Act To Amend Laws Pertaining to Entry into the Lobster Fishery"

H.P. 392 L.D. 509
(C "A" H-255)

Bill "An Act To Promote Efficiency in the Use of the Communications Equipment Fund" (EMERGENCY)

H.P. 414 L.D. 536
(C "A" H-294)

Bill "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations"

H.P. 433 L.D. 555
(H "A" H-290 to C "A" H-179)

Resolve, To Reduce the Size of State Government by Four Percent

H.P. 434 L.D. 556
(C "A" H-37)

Bill "An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl"

H.P. 861 L.D. 1180
(C "A" H-296)

Bill "An Act To Enhance Availability of Emergency Telephone Services"

H.P. 975 L.D. 1383
(C "A" H-282)

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

Bill "An Act To Establish a Labor Center within the University of Maine System"

H.P. 115 L.D. 123
(C "A" H-142)

READ A SECOND TIME.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-138) **READ.**

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-138).

Bill "An Act To Enable the Dirigo Health Program To Be Self-administered"

H.P. 347 L.D. 431
(C "A" H-285)

READ A SECOND TIME.

On motion by Senator **DIAMOND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Equalize MaineCare Reimbursements to Hospitals"

H.P. 499 L.D. 650
(C "A" H-162)

READ A SECOND TIME.

On motion by Senator **GOOLEY** of Franklin, Senate Amendment "A" (S-136) **READ.**

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

Senator **GOOLEY:** Thank you, Madame President. This bill would provide necessary financial relief to many smaller rural hospitals who suffer from having unpaid debt going back 10 years. It also, at the same time, provides the Department of Health and Human Services with a way to aid financially strapped hospitals in the current year. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the amendment put forth by the Senator from Franklin, Senator Gooley. This addresses a concern that some of us on the Health and Human Services Committee had, that the underlying bill would restrain the Department of Health and Human Services from addressing emergency situations that may arise. The amendment has the support of both the Chairman, the Senator from Cumberland, Senator Brannigan, and myself.

On motion by Senator **GOOLEY** of Franklin, Senate Amendment "A" (S-136) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162) AND SENATE AMENDMENT "A" (S-136), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion"

H.P. 702 L.D. 927
(C "A" H-277)

READ A SECOND TIME.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"

H.P. 1167 L.D. 1658
(C "A" H-231)

READ A SECOND TIME.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act To Require That Notaries Public Keep Records of Notarial Acts"

S.P. 538 L.D. 1515

READ A SECOND TIME.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED.**

Bill "An Act To Amend the Laws Relating to Notaries Public"
S.P. 653 L.D. 1835

READ A SECOND TIME.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until
Later in Today's Session, pending **PASSAGE TO BE
ENGROSSED.**

Senate As Amended

Bill "An Act To Increase the Availability of Public Education
Services from Child Development Services"
S.P. 99 L.D. 317
(C "A" S-142)

Bill "An Act To Conform State Law with Federal Law Regarding
Bankruptcy Exemptions"
S.P. 246 L.D. 797
(C "A" S-141)

Bill "An Act To Raise Benefits for Farmers under the Milk Subsidy
Program and To Prevent Price Gouging in the Sale of Milk"
S.P. 262 L.D. 852
(C "A" S-139)

Bill "An Act To Discontinue Over-the-counter Drug Coverage for
MaineCare Patients"
S.P. 386 L.D. 1198
(C "A" S-134)

Bill "An Act To Control Flooding"
S.P. 407 L.D. 1219
(C "A" S-135)

Bill "An Act To Provide for the 2007 and 2008 Allocations of the
State Ceiling on Private Activity Bonds" (EMERGENCY)
S.P. 564 L.D. 1620
(C "A" S-145)

Bill "An Act To Ensure Cost-effective Training for Certified
Nursing Assistants"
S.P. 570 L.D. 1626
(C "A" S-146)

Bill "An Act To Improve Continuity of Care within Maine's
Community-based Mental Health Services"
S.P. 612 L.D. 1745
(C "A" S-143)

Bill "An Act To Amend Certain Laws Administered by the
Department of Environmental Protection"
S.P. 629 L.D. 1778
(C "A" S-144)

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

Sent down for concurrence.

Bill "An Act To Protect the Scenic Value of the Kennebec River"
S.P. 531 L.D. 1508
(C "A" S-147)

READ A SECOND TIME.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until
Later in Today's Session, pending **PASSAGE TO BE
ENGROSSED AS AMENDED.**

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Resolve, To
Require the Department of Marine Resources and the Office of
Program Evaluation and Government Accountability To Conduct
an Independent Review and Audit of the Public Health Division
(EMERGENCY)

H.P. 926 L.D. 1318

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-326).**

Comes from the House with the Report **READ and ACCEPTED**
and the Resolve **PASSED TO BE ENGROSSED AS AMENDED
BY COMMITTEE AMENDMENT "A" (H-326).**

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

READ ONCE.

Committee Amendment "A" (H-326) **READ and ADOPTED**, in
concurrence.

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

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enact the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education"
S.P. 45 L.D. 137

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-158)**.

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

READ ONCE.

Committee Amendment "A" (S-158) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:00 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Firearm Safety on College Campuses"

S.P. 317 L.D. 1000

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

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

Tabled - May 29, 2007, by Senator **DIAMOND** of Cumberland

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

(In Senate, May 29, 2007, Reports **READ**.)

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise to ask you to reject the motion that is currently before you. At this point in time the Maine University System does not have the authority from the State to regulate firearms on their campuses. They have policies in place, but they don't have the authority to have those policies. We have not given them that authority. This bill does not say they have to regulate firearms. It does not say they have to keep them off campus or they have to keep them on campus. It simply gives them the authority to make those policies that they feel will best serve their campuses. There are policies now in place on the different campuses, but they are not worth the paper they are written on because, again, the State has not given these campuses in the University System the authority to make these decisions and if these policies were ever challenged in a court of law they would most likely not hold up. This leaves us with great liability issue, if you think about some of the things that could perhaps happen. Again, this bill does not say that they need to regulate firearms. It simply gives them the permission from the State to make those decisions on their own campuses if they chose to. It gives them the authority to do what they've already done, in terms of establishing policies on their campuses. Thank you.

Senator **ROTUNDO** of Androscoggin requested a Division.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I appreciate the comments of the good Senator from Androscoggin, Senator Rotundo. I'm compelled to share a little more information with you. The committee on Criminal Justice and Public Safety spent a long time on this bill. We treated it very seriously because of obvious reasons. It came down to this, spending a considerable amount of time with the General Council for the University of Maine System. We asked the General Council three questions on this bill. Remember, this is the person who is going to be representing the University if there are any court cases. We asked the General Council three

questions. Are you anticipating any challenges to your ability to write your campus policies? Answer, no. If you are challenged, if you were challenged in court, do you think you would win? The answer was yes. If felt at all threatened with the policies would you be willing, on short notice, to come to the legislature and ask for legislation if you needed it? The answer was yes. That, ladies and gentlemen, was why we had a 12 - 1 report. It really gave us the background we needed and this Senate the background it needs for an Ought Not to Pass.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#92)

YEAS: Senators: BENOIT, BRYANT, COURTNEY, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, NASS, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DOW, MITCHELL, NUTTING, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland"

S.P. 637 L.D. 1793

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-151)** (5 members)

(Representative BARSTOW of Gorham - of the House - abstaining.)

Tabled - May 29, 2007, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, May 29, 2007, Reports **READ**.)

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

Sent down for concurrence.

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

SENATE REPORT - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require Owners of Utility Facilities To Accommodate the Installation of Traffic Control Signals and To Permit the University of Maine System To Construct Lines on Public Rights-of-way" (EMERGENCY)

S.P. 474 L.D. 1360

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-153)** (12 members)

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

Tabled - May 29, 2007, by Senator **MARTIN** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 29, 2007, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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

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

Bill "An Act To Establish a Labor Center within the University of Maine System"

H.P. 115 L.D. 123
(C "A" H-142)

Tabled - May 29, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-138)

(In Senate, May 29, 2007, **READ A SECOND TIME**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-138) **READ**.)

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

Senator **STRIMLING:** Thank you, Madame President. Just quickly to explain the amendment that was handed out last week. It may be in your books. Basically, what it does is restore funding that was lost by the University of Maine Labor Center up in Orono. There was some consternation about the fact that there might be a new one created at another university while the one that exists today was losing funding. All this amendment does is to restore the funding that has been lost by the University of Maine in Orono over the last 10 years. It's an additional \$80,000 or \$85,000. Thank you, Madame President.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I'm pleased to see the fiscal note added because it enhances the likelihood that this bill will fail, which it deserves to fail. It proves the wisdom of the legislature, who back in 1967 or 1966, decided to cut the University of Maine System lose and stop the process of micro-managing the 7 campuses from the floor of this Chamber and the other. I think these matters are best left to the University of Maine trustees and that their budget is best left as a single line item in our own. Thank you.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-138) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND SENATE AMENDMENT "A" (S-138), in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"

H.P. 1167 L.D. 1658
(C "A" H-231)

Tabled - May 29, 2007, by Senator **WESTON** of Waldo

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 29, 2007, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

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

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

ENACTORS

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

Emergency Resolve

Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division

H.P. 926 L.D. 1318
(C "A" H-326)

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Elder Prescription Drug Abuse"

S.P. 511 L.D. 1463

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

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

READ ONCE.

Committee Amendment "A" (S-159) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/23/07) Assigned matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"
S.P. 230 L.D. 713

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-129)** (8 members)

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

Tabled - May 23, 2007, by Senator **SULLIVAN** of York

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

(In Senate, May 23, 2007, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-129) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/23/07) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Seek Direct Voter Approval To Exceed Government Spending Limits"
S.P. 562 L.D. 1618

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-128)** (3 members)

Tabled - May 23, 2007, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, May 23, 2007, Reports **READ**.)

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I hope you are willing today to move past the majority Ought Not to Pass report and accept the minority Ought to Pass report. I'd like to just speak for a couple of minutes here and give you an idea of what this bill is all about. As you remember, in the Spring of 2004, when the citizens of Maine instructed the legislature to fund 100% of special education costs at the local level and 55% of other educational costs and then in the Fall of that same year, in November, we had a citizen initiated property tax containment measure which failed on the ballot. The Chief Executive introduced LD 1 and the Joint Select Committee was formed and spent a month working on LD 1. I was happy to be a member of that committee along with the Senate Chair from Hancock, Senator Damon, the Senator from Penobscot, Senator Perry, the Senator from Kennebec, Senator McCormick, and the Senator from Somerset, Senator Mills. We spent a month locked in a room working on what ultimately became the spending limitation growth limits that are on the books today. The Chief Executive's original proposal called for the establishment of caps, of growth limits, in local county and state spending. Then his proposal called for an override mechanism that would go out to the citizens of the state if the local municipality felt that it needed to spend beyond the growth cap amount. That level would fall on the property taxpayer in its full form and they would have the ability to chose to vote yea or nay, we accept that responsibility. That was in the original proposal. Those of us on the committee decided that we should soften that override mechanism and we did and we put in place a provision that allows, in a municipal form of government that has an elected council, for them to make the choice, that the county commissioners will make the choice, or that the school board will make the choice as to whether that community or that district will override the spending limit.

That had been in place for a couple of years and we come up again with November 2006 with another initiative on the ballot requesting caps and limitations to provide property tax relief for the citizens of Maine. It became clear to me, talking to folks as I campaigned, that they wanted the opportunity to be able to vote to make the decision as to whether or not their local governmental entity will exceed those spending growth limits, and in effect, accept a property tax increase. They wanted to be able to make that decision. If they said yes, then it's their money and they have accepted it. If they say no, then they have had involvement in the process and they have made their opinion known in the privacy of the ballot box.

This proposal that is before you simply extends the override mechanism out into the community as a public referendum. The local governing entity, the town council, the school board, the county commissioners, maintain complete and full authority to design their budgets, to determine how funds are spent, and to exercise that authority that they are entitled to. The only question here is if they chose to pass a budget with a level of spending that exceeds the spending caps which are determined and put into law by the legislature then they must seek voter approval. This bill does not apply to town meetings. That mechanism stays as designed in LD 1. The Chief Executive has been saying for quite some time that he wants to see 90% of the additional funding that is flowing into communities for K-12 spending to be reflected in a beneficial way to the property tax payer. The legislature has struggled, both this session and last session, to figure out a way to accomplish that. This proposal will come closer than anything else to allowing the citizens to have a voice, to make the ultimate

final decision, and to accomplish the goal that the Chief Executive has been working so hard to achieve. I hope that you will reject the majority Ought Not to Pass and move on to accept the Minority Report.

Senator **ROSEN** of Hancock requested a Division.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I rise in support of the majority Ought Not to Pass report, there are 10 members who are in support of the Ought Not to Pass. I also want to point out that acceptance of the Minority Report is not an acceptance of this piece of legislation at all. In fact, the amendment which the Minority Report brought forward allows counties to exceed the spending caps in Public Law 2005 chapter 2 only if it is approved by referendum and removes all sections of the bill related to the school administrative units and municipalities. They were trying to get at counties because some of the committee members have not had good experience with county government. I want to make that very clear. If you are to accept the Minority Report it is exceptionally different from what the original bill was intended to do. That is one issue. The other issue I want people to know about, and the reason why I was on the majority Ought Not to Pass report with 9 of my colleagues, is that, though I agree with the good Senator from Hancock, Senator Rosen, that more education needs to be done at the local level to ensure that people are aware of why they are exceeding the caps when they do so, this tool will certainly make a larger cost for municipalities or counties when they chose to exceed the caps. Therefore I did not feel that it was an appropriate tool, to send on an additional mandate, or what could be a mandate, if they end up exceeding the caps to go to referendum. It's just another cost that will be borne by the local taxpayers and our committee recognized that. That is why we voted for the majority Ought Not to Pass report. We just didn't want to send more costs onto the local taxpayers. If you want to do that, if you want to be responsible for sending additional costs onto the local taxpayers then go ahead and support the Minority Report. Thank you very much.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **DAMON:** Thank you, Madame President. With regards to county budgets, if the commissioners vote to exceed the cap can the budget advisory committee override that decision or does it have to go out to the referendum of all the county residents?

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

Senator **SCHNEIDER:** Thank you, Madame President. I am assuming the Senator from Hancock, Senator Damon, is referring to the Minority Report. It will end up going out to referendum.

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

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I'm a little confused. I'm wondering if maybe someone in this Body could help me. The provision that the good Senator from Hancock, Senator Damon, asked about, it would go out to referendum if the budget committee doesn't agree with the county commissioners? It's my understanding that the county commissioners have the final say. I thought I heard that if the county commissioners exceed the cap and the budget committee says not to it would go out to referendum. I'm just wondering if we could get some clarification on that before we vote?

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

Senator **MILLS:** Thank you, Madame President. By virtue of my laptop here I have access to the provision. It says that the current law says a county may exceed or increase the county assessment limit only if approved by a vote of a majority of all the members of both the county budget committee or county budget advisory committee and the county commissioners. The bill would go further and say 'and if approved by the voters at a referendum.' It would impose a referendum requirement to exceed the spending limits on top of the customary back and forth between the budget committee and the county commissioners. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#93)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator SCHNEIDER of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report, FAILED.

The Minority OUGHT TO PASS AS AMENDED Report ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-128) READ.

On motion by Senator ROSEN of Hancock, Committee Amendment "A" (S-128) INDEFINITELY POSTPONED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/23/07) Assigned matter:

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature H.P. 1077 L.D. 1552

Majority - Ought Not to Pass (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-266) (3 members)

Tabled - May 23, 2007, by Senator SCHNEIDER of Penobscot

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

(In House, May 22, 2007, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, May 23, 2007, Reports READ.)

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

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

THE PRESIDENT: The Chair would like to announce on the record that I am very pleased and proud of the work of the committees. We set a very high bar trying to get all the bills out of the committees and voted. You succeeded and I deeply appreciate that. We are now at least set up in possibility to get out by the adjournment date.

Senator BRYANT of Oxford was granted unanimous consent to address the Senate off the Record.

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

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

Off Record Remarks

On motion by Senator MITCHELL of Kennebec, ADJOURNED, to Wednesday, May 30, 2007, at 10:00 in the morning.