

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

In Senate Chamber
Wednesday
March 26, 2008

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

Prayer by Senator Dana L. Dow of Lincoln County.

SENATOR DOW: Good morning. A word this morning from Ezekiel, a fairly familiar passage. Then the Lord said to Ezekiel, prophecy to these bones and say to them, 'Dry bones hear the word of the Lord'. This is what the Sovereign Lord says to these bones, 'I will make spirit into you and you will come to life. I will attach tendons to you and make flesh come upon you and cover you with skin. I will put breath in you and you will come to life. Then you will know that I am the Lord.' This passage applies collectively to the nation of Israel. There is also a New Testament perspective on how this applies, not only to the people collectively, but also to each of us individually in our role as a people of God. Let us be in a spirit of prayer.

Heavenly Father, we ask You to be with each of us today, to remember that You are there for each of us as we travel through our own dry valley. Remind us that we are also Your priests who are here to help all of those around us who are also going through that dry valley. I ask special prayers today for each of us to remember each other as Senators and that we will be there to help each other, regardless of our orientation. Let us all be instruments of peace to each other. We ask this all in the name of the Lord. Amen.

Reading of the Journal of Tuesday, March 25, 2008.

Doctor of the day, David Howes, MD of Brunswick.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on
TRANSPORTATION on RESOLUTION, Proposing an
Amendment to the Constitution of Maine To Guarantee the
Integrity of the Highway Fund

H.P. 1209 L.D. 1726

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-755)** (10 members)

Minority - **Ought Not to Pass** (3 members)

In House, March 19, 2008, the Majority **OUGHT TO PASS AS
AMENDED** Report **READ** and **ACCEPTED** and the
RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED
BY COMMITTEE AMENDMENT "A" (H-755)**.

In Senate, March 20, 2008, the Minority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A
COMMITTEE OF CONFERENCE**.

On motion by Senator **DAMON** of Hancock, the Senate
ADHERED.

Non-Concurrent Matter

Bill "An Act To Require the State To Divest Itself of Funds from
Companies Doing Business with Iran"

S.P. 745 L.D. 1934
(C "A" S-458)

In Senate, March 17, 2008, Report **READ** and **ACCEPTED** and
the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (S-458)**.

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

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until
Later in Today's Session, pending **FURTHER CONSIDERATION**.

Joint Resolution

The following Joint Resolution:

H.P. 1637

JOINT RESOLUTION IN SUPPORT OF CIVIC EDUCATION

WHEREAS, it is in the interest of the State and the United
States of America that civic education be promoted, as civic
education is the cultivation of the virtues, knowledge and skills
necessary for political participation and the development of
competence and motivation to engage actively in community
issues; and

WHEREAS, civic education prepares the people of a country,
especially the young, to carry out their roles as citizens and
provides the skills necessary to participate as effective and
responsible citizens; and

WHEREAS, our education system has long recognized the obligation of preparing future citizens for participation in public life, and the Maine system of learning results places emphasis on citizenship education, specifically complementing identified core social studies curricula in government, history, geography and economics; and

WHEREAS, an actively engaged, enlightened and responsible citizenry, using democratic procedures for making decisions and managing conflict, is in the best interest of the State; and

WHEREAS, the cultivation of a public disposition, including civility, a sense of personal efficacy and a belief in advancing the public good, is essential to civic-mindedness in recognizing the situation of others in a shared political community; and

WHEREAS, in a vital democratic society, we recognize the need for citizens to develop respect for the law, the responsibility to scrutinize its consequences and the courage to challenge and effect change in pursuit of liberty and justice; and

WHEREAS, we recognize the responsibility to develop in Maine's youth the knowledge, experience and leadership skills needed to achieve personal success and make a positive contribution to society; and

WHEREAS, as Thomas Jefferson indicated, the people are the proper depository of the ultimate powers of society, and education is necessary to inform their discretion; and

WHEREAS, as Alexis de Tocqueville also indicated, the formal political meeting or event in a democracy helps bring civic participation within the people's reach, teaching citizens how to use and enjoy it; and

WHEREAS, truly outstanding events and programs organized by community service, academic and professional organizations currently exist to provide excellent experiences in civic education for Maine high school students; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the exceptional value of the following organizations that help provide outstanding civic education in the State:

1. Maine Youth in Government, the Model State Legislature program sponsored by the State YMCA;
2. We the People: The Citizen and the Constitution, a program sponsored by the Center for Civic Education;
3. The Maine State High School Mock Trial Competition, sponsored by the Maine State Bar Association and organized by Maine Law and Civics Education at the University of Maine School of Law;

4. The Dirigo Boys State program sponsored by the American Legion and the Dirigo Girls State program sponsored by the American Legion Auxiliary;

5. The Speech and Debate program sponsored by the Maine Principals' Association in partnership with the Maine Forensic Association; and

6. The Maine Model United Nations Conference hosted by the University of Southern Maine; and be it further

RESOLVED: That school administrators, teachers, parents and students are encouraged to obtain information on these programs so that these outstanding learning and leadership experiences may become an opportunity for Maine students at the many high schools at which they do not yet exist.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 906

STATE OF MAINE 123RD MAINE LEGISLATURE

March 25, 2008

Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on Labor
Rep. John L. Tuttle
House Chair, Joint Standing Committee on Labor
123rd Legislature
Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has withdrawn his nomination of Jeffrey Baker for appointment to the Maine Workers' Compensation Board, pursuant to Title 3 M.R.S.A. § 154.

This nomination is currently pending before the Joint Standing Committee on Labor.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 703

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

March 20, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Donald Guimond of Fort Kent, for appointment to the Board of Environmental Protection.

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

YEAS	Senator	1	Martin of Aroostook
	Representatives	10	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Ayotte of Caswell, Babbidge of Kennebunk, Duchesne of Hudson, Eberle of South Portland, Hamper of Oxford, McDonough of Scarborough, Miramant of Camden, Wagner of Lewiston

NAYS 0

ABSENT 2 Sen. Bartlett of Cumberland, Sen. Smith of Piscataquis

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Donald Guimond of Fort Kent, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#315)

YEAS: Senators: None

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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Donald Guimond** of Fort Kent for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 704

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

March 20, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Lissa Widoff of Freedom, for appointment to the Board of Environmental Protection.

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

YEAS	Senators	3	Martin of Aroostook, Bartlett of Cumberland, Smith of Piscataquis
	Representatives	10	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Ayotte of Caswell, Babbidge of Kennebunk, Duchesne of Hudson, Eberle of South Portland, Hamper of Oxford, McDonough of Scarborough, Miramant of Camden, Wagner of Lewiston

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lissa Widoff of Freedom, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#316)

YEAS: Senators: None

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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Lissa Widoff** of Freedom for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate off the Record.

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

The Following Communication: S.C. 705

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

March 20, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of P. Andrews Nixon of Brunswick, for appointment to the Board of Environmental Protection.

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

Signed,

S/Bruce S. Bryant
Senate Chair

S/Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#318)

YEAS: Senators: None

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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cathy A. DeMerchant** of Vassalboro for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 708

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

March 25, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of R. Leo Kieffer of Caribou, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	2	Bryant of Oxford, Gooley of Franklin
	Representatives	9	Jackson of Allagash, Briggs of Mexico, Eberle of South Portland, Finch of Fairfield, Lundeen of Mars Hill, McLeod of Lee, Richardson of Carmel, Sarty of Denmark, Wheeler of Kittery
NAYS		0	
ABSENT		2	Sen. Perry of Penobscot, Rep. Saviello of Wilton

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of R. Leo Kieffer of Caribou, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#319)

YEAS: Senators: None

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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **R. Leo Kieffer** of Caribou for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

SENATE PAPERS

Bill "An Act To Ensure Equitable Payment for E-9-1-1 Services" (EMERGENCY)

S.P. 905 L.D. 2279

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Senator: BARTLETT of Cumberland,
Representatives: ADAMS of Portland, BERRY of Bowdoinham, BROWNE of Vassalboro, CROCKETT of Augusta, SILSBY of Augusta.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor

S.P. 904 L.D. 2275

Sponsored by Senator PERRY of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Representative FAIRCLOTH of Bangor and Senators: PLOWMAN of Penobscot, SCHNEIDER of Penobscot, Representatives: COTTA of China, FISHER of Brewer, PATRICK of Rumford.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **BRANNIGAN** of Cumberland, the following Joint Order:

S.P. 907

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services is authorized to submit a bill to the Senate regarding a method for reporting health care-associated infection quality data in the Second Regular Session of the 123rd Legislature.

READ and **PASSED**.

Sent down for concurrence.

Expressions of Legislative Sentiment recognizing:

Martin's Point Health Care and its employees for excellence in the delivery of health care services to Maine's military retirees, their families and the families of those serving in active duty under the Uniformed Services Family Health Plan. Martin's Point was given the highest health plan member satisfaction ratings of all Uniformed Services Family Health Plans in the country with an overall rating of 94.5%. In 2007 Martin's Point care management practices were recognized nationally and received finalist status for best practices by URAC, a national leader in health care accreditation. Martin's Point Health Centers in Portland, Brunswick and Bangor all earned 3 blue ribbons and an overall rating of "best" in all categories for physician quality from the Maine Health Management Coalition. We extend our thanks and appreciation to Martin's Point and its employees for delivering exceptional health care services to Maine and our nation's military and their families;

SLS 560

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Senators: BRANNIGAN of Cumberland, President EDMONDS of Cumberland, PERRY of Penobscot, ROTUNDO of Androscoggin, STRIMLING of Cumberland, Representatives: ADAMS of Portland, BLANCHETTE of Bangor, BRAUTIGAM of Falmouth, Speaker CUMMINGS of Portland, DUNN of Bangor, FAIRCLOTH of Bangor, GERZOFISKY of Brunswick, GROSE of Woolwich, HARLOW of Portland, HASKELL of Portland, HINCK of Portland, MARLEY of Portland, NORTON of Bangor, PINGREE of North Haven, PRIEST of Brunswick, RAND of Portland, SAVAGE of Falmouth, VAUGHAN of Durham.

READ.

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

Senator **TURNER:** Thank you, Madame President, ladies and Gentlemen of the Senate. Our Doctor of the Day, David Howes, happens to be the President and Chief Executive Officer of Martin's Point. It has grown and thrived under his tutelage and Maine citizens are the better for it. I think any of us who have run organizations understand that one person doesn't make an organization go, it's a team that is built and developed. Dr. Howes has been very fortunate to have a skilled cadre of colleagues who have delivered excellent service to people around the state and I ask you to join me in thanking them for their great service to the state of Maine. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Dr. David Howes and members of the Martin's Point Health Care and employees. Would they please rise and accept the greetings of the Maine Senate.

Angela Cook, of Enfield, a member of Girl Scout Troop No. 604, who has received the Girl Scout Silver Award. This is the second-highest award in Girl Scouting and is given for excellence in skills development, leadership, personal growth and community service. For her Silver Award project, Angela painted and stenciled a map of the United States on the playground at the Enfield Station School. We extend our congratulations to Angela on this accomplishment;

SLS 561

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative: GIFFORD of Lincoln.

Loralee Reed, of Enfield, a member of Girl Scout Troop No. 604, who has received the Girl Scout Silver Award. This is the second-highest award in Girl Scouting and is given for excellence in skills development, leadership, personal growth and community service. For her Silver Award project, Loralee painted and stenciled a map of the United States on the playground at the Enfield Station School. We extend our congratulations to Loralee on this accomplishment;

SLS 562

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative: GIFFORD of Lincoln.

Erin Simone, of Enfield, a member of Girl Scout Troop No. 604, who has received the Girl Scout Silver Award. This is the second-highest award in Girl Scouting and is given for excellence in skills development, leadership, personal growth and community service. For her Silver Award project, Erin painted and stenciled a map of the United States on the playground at the Enfield Station School. We extend our congratulations to Erin on this accomplishment;

SLS 563

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative: GIFFORD of Lincoln.

Sarah Scofield, of Enfield, a member of Girl Scout Troop No. 604, who has received the Girl Scout Silver Award. This is the second-highest award in Girl Scouting and is given for excellence in skills development, leadership, personal growth and community service. For her Silver Award project, Sarah painted and stenciled a map of the United States on the playground at the Enfield Station School. We extend our congratulations to Sarah on this accomplishment;

SLS 564

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative: GIFFORD of Lincoln.

READ.

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

Senator **SCHNEIDER:** Thank you, Madame President. I stand in honor of the Girl Scout Troop 604, which has reached the Silver Award level of Girl Scouting. We have their Troop Leader, Ellen Simone, who has done an outstanding job with these girls and they, too, have done an outstanding job in their community

service project, which was to build a map of the United States at the Enfield Station School, which is a very wonderful thing. It's a huge map for the children to get more familiar with their geography. It is a pleasure to have them here today. Angela Cook, Lorelee Reed, Erin Simone, Sarah Scofield and Leslie Theriault, along with their troop leader. I am very proud to have them with us here today and I just want to congratulate them on reaching the Silver Award level.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the gallery of the Chamber the young women who are from this Girl Scout Troop and their leader. Will they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Statute

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule" H.P. 1631 L.D. 2268

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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

The Committee on **JUDICIARY** on Bill "An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors" H.P. 1609 L.D. 2248

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, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

H.P. 1598 L.D. 2237

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-783)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)**.

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

READ ONCE.

Committee Amendment "A" (H-783) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Recognizing Native American Religion in Maine Prisons and Jails" H.P. 390 L.D. 507

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-784)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784)**.

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

READ ONCE.

Committee Amendment "A" (H-784) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions"

H.P. 1596 L.D. 2235

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-779)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779)**.

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

READ ONCE.

Committee Amendment "A" (H-779) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure That State Government Is a Model Employer of People with Disabilities"

H.P. 1527 L.D. 2147

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-776)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776)**.

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

READ ONCE.

Committee Amendment "A" (H-776) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers" (EMERGENCY)

H.P. 1515 L.D. 2133

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-777)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)**.

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

READ ONCE.

Committee Amendment "A" (H-777) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Pursuant To Resolve

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States"

H.P. 1630 L.D. 2267

Reported that the same **Ought to Pass**, pursuant to Resolve 2007, chapter 84.

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFKY of Brunswick
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 Not to Pass**, pursuant to Resolve 2007, chapter 84.

Signed:

Representatives:

BLANCHETTE of Bangor
KAENRATH of South Portland

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority"

H.P. 1311 L.D. 1879

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

WEDDELL of Frankfort
BRYANT of Windham
NASS of Acton
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
PINKHAM of Lexington Township
CAREY of Lewiston
FITTS of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-792)**.

Signed:

Representative:

MOORE of Standish

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Games of Cards Law"
H.P. 1593 L.D. 2232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-787)**.

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
WEDDELL of Frankfort
BRYANT of Windham
NASS of Acton
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
FITTS of Pittsfield

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

Signed:

Representative:

PINKHAM of Lexington Township

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-787)**.

Reports **READ**.

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

On motion by Senator **SNOWE-MELLO** of Androscoggin, 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 (#320)

YEAS:

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

NAYS:

Senator: SNOWE-MELLO

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-787) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services"

H.P. 1552 L.D. 2182

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-778)**.

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

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

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

Signed:

Representatives:

THIBODEAU of Winterport
HINCK of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-778) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committees on **AGRICULTURE, CONSERVATION AND FORESTRY AND INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Maintain the Amount of State Land That Is Open for Hunting"

H.P. 497 L.D. 648

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-756)**.

Signed:

Senator:

BRYANT of Oxford

Representatives:

JACKSON of Allagash
GIFFORD of Lincoln
CARTER of Bethel
SAVIELLO of Wilton
FINCH of Fairfield
McLEOD of Lee
WHEELER of Kittery
LUNDEEN of Mars Hill
BRIGGS of Mexico
SARTY of Denmark

The Minority of the same Committees on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-757)**.

Signed:

Senators:

NUTTING of Androscoggin
GOOLEY of Franklin

Representatives:

PIEH of Bremen
MAREAN of Hollis
PIOTTI of Unity
CRAY of Palmyra
PRATT of Eddington
EBERLE of South Portland
RICHARDSON of Carmel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756) AS AMENDED BY HOUSE AMENDMENT "A" (H-781)** thereto.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)** Report, in concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)** Report, in concurrence.

Senate

Ought to Pass As Amended

Senator **BOWMAN** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Fully Fund School Breakfast from Kindergarten to Grade 12"
S.P. 791 L.D. 1997

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-491)**.

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

READ ONCE.

Committee Amendment "A" (S-491) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings"
S.P. 853 L.D. 2215

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-490)**.

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

READ ONCE.

Committee Amendment "A" (S-490) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **PERRY** for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 818 L.D. 2144

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-487)**.

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

READ ONCE.

Committee Amendment "A" (S-487) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Raise the Per Diem Rate for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission"
S.P. 763 L.D. 1969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-488)**.

Signed:

Senators:

MARTIN of Aroostook
BARTLETT of Cumberland

Representatives:

MIRAMANT of Camden
EBERLE of South Portland
KOFFMAN of Bar Harbor
DUCHESNE of Hudson
BABBIDGE of Kennebunk
McDONOUGH of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-489)**.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford
WAGNER of Lewiston
ANNIS of Dover-Foxcroft
AYOTTE of Caswell

Reports **READ**.

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)** Report.

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

Senator **MARTIN:** Thank you, Madame President. The Majority and the Minority Report contain the same language in reference to expenses. The only difference between the Majority and the Minority Report is that the Majority Report says that the members of the Board of Environmental Protection and the Land Use Regulation Commission will go from \$55 to \$100 daily. This was in one of the original bills that was sponsored by the Senator from Somerset, Senator Mills, and we have basically combined it in this bill because we thought it was important. I think it is critical that we remember that these are citizens that are coming here to work for us, for the state, and quite honestly, it's very difficult, especially where I come from, to come from Aroostook County to Augusta to do what they do for \$55. Since I am a firm believer that there ought to be people from throughout the state serving on these boards, and not simply from the Augusta area, this provides the opportunity for us to help a little bit in alleviating some of that. I know some people who will argue that this is not the time to do it, but I just want to point out that this has not changed for some 20 years or so, actually even more than that in one instance and I think the time has come.

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

Senator **SMITH:** Thank you, Madame President. I just want to say a few words from the other side. A couple of things, first of all this does represent a very large percentage increase in pay for these two boards and it is poor timing, for obvious reasons, which I don't need to get into because it's apparent to all of you. One important thing that the good Senator from Aroostook, Senator Martin, did not mention is that we held that bill in committee pending the report from OPEGA on state boards, committees, commissions and councils to see what they had to say about these boards. It's an extensive report and they make a number of recommendations and findings. In a section called fiscal opportunities, I want to read you a very short list here of one-liners. It says 'cost savings and savings of state employee hours may be achieved through: 1. Eliminating a percentage of boards with little or no activity; 2. Reconsidering the number of seats on boards with many expired seats, or reconsidering the needs for the boards themselves; 3. Considering whether some boards could be consolidated with others that appear to share the same area of focus; 4. Repealing a percentage of the State's advisory boards; 5. Consolidating the administration for all of the licensing boards; 6. Reducing expenditures on refreshments and facilities for all boards; and 7. Evaluating the disparate levels of compensation currently authorized for board members.' I think that seventh one is a particularly important one and OPEGA goes on to say that OPEGA developed a rough savings estimate for three of the seven that I just rattled off to you here, totaling \$190,000 and 4012 hours of State employee time. I think there are substantial savings to be had in looking at all of these numerous State boards and agencies that we have and I'm not opposed to fair compensation for any of these folks, and many of them do work very hard, but I think it's a very poor state policy for

committees of jurisdiction, on an ad hoc basis, to be raising their favorite board's and commission's pay when we may be encouraging this kind of disparateness which the OPEGA report references. I think what needs to be done, ultimately, through further work of the State government and following the recommendations of OPEGA to take a look at these boards and commissions in a global kind of view, get ourselves organized so that we can treat all of these boards and commissions that are working similar numbers of hours and putting in similar amounts of time, and treat them all similarly. I think what we have here is as OPEGA has suggested, very disparate treatment for many of these boards. It's not that I don't think that LURC and DEP or BEP deserve some pay increase, they probably do, along with many, many others, but this is not the vehicle or the way to do it. We need to get this thing under control. OPEGA has given us a blueprint to do this and I think we should take them up on it.

Finally, both reports do agree that for those that are spending long days and many hours on some committees, the way that these folks have been treated for meals is unfair. Basically both reports would raise the per diem for meals for these boards to the legislative per diem. These folks are being paid, on the compensation side, legislative per diem now and we would suggest that they get legislative per diem for meals. That's as far as the minority wanted to go on this report. We are basically asking that the legislature take an organized approach to this thing to see if we can get these boards and commissions looked at more closely and treated fairly and equitably. I would ask you not to support the pending motion and support Report B, which does inject some equity into the situation on the meals side.

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

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

Senator **MARTIN:** Thank you, Madame President. I don't want to confuse members of the Senate with the report that's been questioned, but I would make just a couple of comments. The amount of money that we are talking about is substantially less than if we had gone to using inflation from the time we had gone from \$55 to what it ought to be today. More important than that, the amount of money we are talking about right now, assuming that the board meets once a month and would meet for one day a month, you are talking \$5000. So, what you are trying to do is get people to serve and I think we ought to be paying them to do that. Thank you.

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

Senator **MILLS:** Thank you, Madame President, men and Women of the Senate. I have an even larger concern about this issue. I went to some of the meetings of the LURC when they were holding public hearings on the Plum Creek matter and I am aware that before they had their public hearings there were pickup trucks loaded with documents being delivered for their consumption, for them to read and understand and comprehend before the hearings took place, and of course to help evaluate in the process of making their decision, not only on the Plum Creek application, but Lord knows on how many others of a significant

complexity that lay before them. I suggested to the committee that upon reflection it seems to me the regulatory responsibility that we have imposed on these seven citizens of LURC, at least, is so extraordinary that it is on the cusp of being in the same ballpark as the PUC. On the PUC we have three highly paid, thoroughly professional commissioners who act as basically judges over a major segment of the economy of the state of Maine, many segments, water, power, electricity, telephone, and they work every single day in close coordination with their staff. It's at the point where we are asking people from the LURC, a number of them, to volunteer to do something very similar and they do it for \$55 a day. I agree quite readily with the Senator from Piscataquis, Senator Smith, that we probably ought to look at all of these boards and commissions in a more orderly way. The \$55 figure, I believe, comes from a generic statute that applies to all of us as legislators when we do per diem work, as well as everybody else. I just thought, in my observation of the work that was being done by LURC and it's my understanding that DEP has a workload that is somewhat similar, that to get people of the right professional backgrounds to give their time as volunteers the least we could do to show our appreciation is to pay them \$100 a day until we figure out how to do it better and maybe even consider restructuring the very function of these regulatory boards who have grown, certainly in LURC's case. It's almost charming to go back and read the 1969 statute where our predecessors said three commissioners from State government, four citizens, I forget who they were, named by their constituencies; a landowner, a forester, and an environmentalist. These are the words they use, 'Go out and zone the north woods,' and they did it. Of course now we're living with the consequences, aren't we? In the last 39 years it's become something very different from anything that was envisioned by the people who wrote that very simple and charming statute.

It reminds me, I have to tell this story because I told it to the committee and I'm getting wound up here, William Butler Yates was elected to the Senate of the Irish Free State when they formed up after Easter of 1916. He was elected to represent the constituencies of education and poetry. That's indeed how these commissioners were appointed to LURC in 1969. I think that's charming. If there's ever a seat that opens up in either of those categories let me know. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. Since I have been in this Body there has never been a good time to raise fees. In fact in my first session the minority the leader at that time had a bill in to raise fees for serving documents that sheriffs needed. I supported that because these fees are put off for years and years and years. To say it's the wrong time, Madame President, there is no right time, unfortunately, that I have found. I think that going forward that it is proper to fairly pay people so that they feel that they have the ability to serve our state. It's not fair to only allow a monetary contribution to those people who can already afford to serve. I encourage you to support the motion. I also would just like to say, with regard to the OPEGA report, our committee has done further exploration on some of those crossovers and I think if you do a little bit more in depth research you will find that many of those recommendations will not prove a savings. I just wanted to point that out to my colleagues. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-488) 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 (#321)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)** Report, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-488) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Enhance Economic Development in Maine's Aviation Industry" S.P. 770 L.D. 1976

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-485).**

Signed:

Senator:
NASS of York

Representatives:

PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
GOULD of South Berwick
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 "B" (S-486)**.

Signed:

Senator:

PERRY of Penobscot

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)** Report.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Update the Dioxin Monitoring Program"
S.P. 479 L.D. 1392
(C "A" S-483)

Bill "An Act Regarding Lobbyist Disclosure"
S.P. 481 L.D. 1393
(C "A" S-479)

Bill "An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process"
S.P. 738 L.D. 1931
(C "A" S-475)

Bill "An Act To Make Marine Resources Management More Responsive"

S.P. 752 L.D. 1958
(C "A" S-474)

Bill "An Act To Provide a State Income Tax Credit to Dentists for Military Pensions" (EMERGENCY)

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

Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies (EMERGENCY)

S.P. 787 L.D. 1993
(C "A" S-478)

Bill "An Act To Strengthen the Maine Small Business and Entrepreneurship Commission"

S.P. 789 L.D. 1995
(C "A" S-477)

Bill "An Act To Amend Certain Laws Related to Environmental Protection"

S.P. 809 L.D. 2119
(C "A" S-482)

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses"

S.P. 825 L.D. 2157
(C "A" S-480)

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

Sent down for concurrence.

Bill "An Act To Create an Airport Authority"

S.P. 191 L.D. 599
(C "A" S-484)

READ A SECOND TIME.

On motion by Senator **BROMLEY** of Cumberland, **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.

ENACTORS

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

Emergency Measure

An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection

H.P. 1390 L.D. 1952
(C "A" H-758)

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

Acts

An Act Relating to Studded Tires

S.P. 836 L.D. 2176
(C "A" S-462)

An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters

S.P. 837 L.D. 2177
(C "A" S-464)

An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes

H.P. 1567 L.D. 2197

An Act Regarding the Recommendations of the Committee To Study Appropriate Funding of the State Police

S.P. 888 L.D. 2259

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

Resolve

Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services

H.P. 1494 L.D. 2108

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1640

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall submit, to the House, a bill making technical corrections to the law relating to flavored cigarettes and cigars.

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

READ.

On motion by Senator **BRANNIGAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

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

H.P. 1643 L.D. 2277

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, pursuant to Resolve, chapter 85, section 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units" (EMERGENCY)
H.P. 1645 L.D. 2280

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Public Law, chapter 240, Part XXXX, section 47.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Reorganization of School Administrative Units"

H.P. 1646 L.D. 2281

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Public Law, chapter 240, Part XXXX, section 47.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Order

The Committee on **TAXATION** on Bill "An Act To Improve the Administration of State-Municipal Revenue Sharing"
H.P. 1641 L.D. 2276

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to Joint Order, H.P. 1594.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

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

REFERRED to the Committee on **TAXATION**, in concurrence.

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 Today Assigned matter:

Bill "An Act To Create an Airport Authority"
S.P. 191 L.D. 599
(C "A" S-484)

Tabled - March 26, 2008, by Senator **BROMLEY** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, March 26, 2008, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/14/08) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

S.P. 318 L.D. 1001

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

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-459)** (5 members)

Tabled - March 14, 2008, by Senator **MARTIN** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 14, 2008, Reports **READ.**)

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

The Chair laid before the Senate the following Tabled and Later (3/17/08) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"

H.P. 115 L.D. 123

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-664)** (7 members)

Minority - **Ought Not to Pass** (6 members)
Tabled - March 17, 2008, by Senator **BOWMAN** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 14, 2008, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

(In Senate, March 17, 2008, Reports **READ**.)

On motion by Senator **BOWMAN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/18/08) Assigned matter:

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax"

H.P. 1483 L.D. 2097

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-754)**

Tabled - March 18, 2008, by Senator **WESTON** of Waldo

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

(In House, March 17, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754)**.)

(In Senate, March 18, 2008, Report **READ**.)

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

Senator **PERRY:** Thank you, Madame President. I just want to tell the Senate a little bit about this bill. With the high cost of heating oil and gasoline and fuel in general, more and more people are being pushed to their limits on their ability to buy heating oil for their homes. More and more we see folks having to go to gas stations and stores that retail #2 heating oil or kerosene from a pump and buying it in five gallon containers. Home heating oil is tax exempt for home use but it's not sales tax exempt for business use. The vast majority of home heating oil sold out of these pumps at gas stations is for home use, but potentially there could be folks going there and buying home heating oil for their business, which technically would require a 5% sales tax. Maine Revenue, if they audit you and you are not collecting the sales tax, or you are not having the customer sign an affidavit stating they are using this for non-taxable use, your business can be audited and assessed a 5% sales tax on every gallon of kerosene or home heating oil you sell if you cannot prove it or have a customer's signature. That's what brought this

bill about. Customers don't want to sign these affidavits. Storeowners don't want to have to deal with them. We passed this bill unanimously in committee, expecting that there would be no fiscal note. There is a \$20,000 fiscal note on it, which leads me to believe the prospect of taking care of this is potentially bleak. However, the issue is we are putting people through a lot of work unnecessarily. If people don't want to deal with the affidavit sometimes they just collect the sales tax, at \$4.00 a gallon that is \$.20 a gallon, from people who can't afford to have the home delivery, it just seems like it's something that we ought to deal with. That's the issue and I wanted you to know about it.

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-754) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/18/08) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories"

H.P. 670 L.D. 885

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-729)** (6 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-730)** (5 members)

Tabled - March 18, 2008, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)** Report, in concurrence

(In House, March 17, 2008, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)**.)

(In Senate, March 18, 2008, Reports **READ**.)

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

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. This is a carry over bill that the Committee on Taxation has been trying to deal with, it seems like, forever, or at least for several years. It started a long time ago. There was a study committee that the last legislature set up that worked on it and extended their report for 18 months trying to figure out how we can more properly fund the LURC planning activities. In that period of time the building permit fees were increased. That is not a function that I remember that we dealt with, but it was done. That provided more money to LURC for activities to hire people to do what I call code enforcement. Subsequent to that, with all of the LURC activities that have come to be, they apparently feel like they should be able to assess more. The issue here, well there are several issues, but the one that I think was the most difficult for us was the relationship between the organized and the unorganized towns in the so-called LURC area and what they might be expected to pay for planning activities. The general gist of this came down to the fact that the folks that live there don't really want to pay for the planning activities that LURC thinks that they need. This is an old story but they are really about 'leave us alone'. The proposal here purports to assign a higher fee to those organized towns within the LURC area. There's potentially some reasons for doing that but those folks are certainly not on board with this.

In addition to that, this study committee that worked for 18 months had a number of other hot button issues, like school buses. School buses traveling out into the pucker brush to pick up kids. Kids who are boarding in town when their parents live a substantial way back in the woods. In addition to that, basically, we had some folks from the county wanting to make a fix on county roads, whether the county commissioners had the right to essentially repair a road when a road was damaged by some unknown cause or unknown person. This is a collection of things. The real difficult part, basically, was the LURC fees and essentially that caused the division on the divided report that you see in front of you.

The reason I seem to be stalling here, Madame Chair, is because this has been on our table for so long that I have to admit I don't remember which side I was on with this. I'm in an embarrassing position. This is going to be a bad day for Taxation. These things have been sitting around for way too long. Representing the majority here, I am urging you to vote against the motion that is in front of us and support the Majority Report. Thank you.

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

Senator **MARTIN**: Thank you, Madame President and members of the Senate. Rarely am I with the minority, but I am today. For someone who, as I guess the good Senator from York, Senator Nass, suggests, comes from the pucker brush, I would suggest that he comes from York, Massachusetts. I think I want to point out the difference here, when LURC was created, and subsequently amended, those plantations who became towns had the option of doing a plan and getting out of LURC completely. We have a very large number of municipalities that have become towns, created a planning board or a zoning board. They do their own planning and LURC is not at all involved. There are those, however, who chose not to leave and they wanted that to continue to be done by the state. The difference between the Majority Report and the Minority Report is the cost

that plantations and a few towns that have chosen to stay in LURC would be charged for the cost of planning and zoning. That rate would go to .15 instead of .1 according to the Majority and the Minority Report. If you read the Majority and Minority Reports, the difference is that in the Majority Report there would be \$60,000 generated by the charge on those plantations and those that have become towns but have not taken themselves out of LURC. The Majority Report has a \$4,000 adjustment. Everything else in the two is the same, in reading them quickly yesterday. I do not sit on the Taxation committee, but representing so many unorganized territories and plantations as I do that are covered by LURC, I pay particular attention to what is going to happen. If you don't represent a town or plantation that is still in LURC, then you are not affected by this directly. It applies to those, obviously, who have tax payers who have secondary homes in those areas, then obviously they might feel a little burdened from it. That \$60,000 is spread across all of the plantations and a few towns that are left in LURC today. I hope that explains that and I guess I must say I am pleased to be on the side of the minority today and I urge you to vote for it. Thank you.

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

Senator **PERRY**: Thank you, Madame President, ladies and Gentlemen of the Senate. I am on the Minority Report for the reason that we are all paying for LURC statewide. LURC primarily does their business in the unorganized territories. At the public hearing we saw photos of what kinds of homes are going into the unorganized territories and what they are paying for building fees and the rest of it. By and large the mil rates in the unorganized territories are half or less of what the rest of us are paying, certainly in Bangor what we are paying, yet we are picking up the tab to subsidize these extraordinarily low mil rates. This in some measure shifts some of the cost off of all of us into the area. My town is already paying for their planning board and zoning board and all the rest of it and I am also helping to pay for the unorganized territories. This, to some degree, doesn't get us nearly far enough, it sets the fees right. That is why I am on the Minority Report and I would urge your support. Thank you.

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

Senator **NASS**: Thank you, Madame President, ladies and Gentlemen of the Senate. The question in our deliberations that came up was what exactly does LURC want this money for? This additional money. There was some contention about how much more that would gain. They reported to us, as I recall, that they felt like they needed to hire more people. Don't forget we had just come off from a period where permit fees were increased, so that activity, whether you are an organized or unorganized town, was costing the people that were doing that activity, building or adding on, whatever permits were required, were already paying more in total. I think we found objections when they said they used that permit money to hire more staff. This would allow them to continue to hire more staff. We did not believe that that was necessary. Again, just to remind everybody, the folks that live there do not believe that they need, nor do they want, to pay for this service. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I fully agree with the good Senator from York, Senator Nass. These individuals do not want to pay. They never have. The problem is that LURC cannot have staff unless the legislature approves them. There is the cost of code enforcement officers, and the cost of plumbing inspectors that has to be borne by LURC in these developments and that has to be paid out. I represent these areas and I can guarantee you that the last thing they want is to pay for it, but they want it done. They are more than happy if someone else picks up the tab. I can tell you that we are having major development in the unorganized territories. Frankly, the development now, in this state, percentage-wise, is greater in some of the unorganized territories than it is in the organized towns. Rangeley, for example, has by far the largest increase of any of the LURC districts in the state. They have had a development that is obviously not by an out-of-stater. It is a 4,000 square foot house that LURC is now dealing with, trying to go through the process, and it is very time consuming. It is critical, I think, to relate to this because I happen to sit, since I have been a member of the legislature, on the water and sewer district. LURC had no staff and we decided since it was our water source, and we were in LURC territory, and our water source is coming from that area, we decided that maybe it was time that we sort of looked around. We found a trailer sitting where the water was being taken from the lake. About 20 feet away there was a pipe going from the trailer and running 100 feet out towards the middle of the lake from guess what? Septic. Directly into the lake. By the way, I might point out, that in between there are children playing in the water. We literally came to, not blows, but discussion, and we finally threatened them with court action. It took that in order to get them out of there. Now LURC does that kind of stuff and we don't have to in our organized towns, so the unorganized areas next door basically has to pay for it. Thank you.

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

Senator **BRYANT:** Thank you, Madame President, ladies and Gentlemen of the Senate. I served on this commission. The Senator from York, Senator Nass, is right, we had two or three separate pieces to this that have moved forward over the last few years. I will just add a few things to what the Senator from Aroostook, Senator Martin, has laid out. It is true that in the unorganized territories they don't want to pay the bills, but they have to have the service done, and so that is where we were. We were at a point where we need to provide the service, and they want it done as soon as they call. They don't necessarily want to pay for it though. What this does is it puts two pieces together that allows the unorganized territories to get the work done that they need to. I would encourage you to support the Minority Report. Thank you.

THE PRESIDENT: The Senator from York, Senator Nass, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **NASS:** Thank you, Madame President, ladies and Gentlemen of the Senate. I just want to try to add a little bit to this discussion. The Senator from Aroostook, Senator Martin, is confusing the code enforcement function with other planning functions that want to go on. Certainly we thank other efforts that have gone on in the past that provided code enforcement function by raising permit fees. The building inspector and the plumbing inspector were not a focus, I don't think, of this discussion. It's the rest of the planning function, and whether or not it is needed, that has been the focus of this. This increased fee, based on valuation of the property in either an unorganized town or plantation, became the focus. It was not about code enforcement. The fees for that have been increased and other people have been hired. I don't recall anybody saying that that function wasn't being performed properly. It's the other planning function and who is going to pay for that that became the focus. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Martin, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **MARTIN:** Thank you, Madame President. I wasn't going to get quite as personal, but I guess I need to speak to prove my point. I happen to own a sporting camp business in Township 13, Range 8. The plumbing inspector that LURC sent came from Hallowell, Maine and was paid for by LURC.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-730) 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 (#322)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730) Report**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-730) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/18/08) Assigned matter:

HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide for Fairness and Accuracy in Utility Rate Setting"

H.P. 1490 L.D. 2104

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-732)** (8 members)

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

Tabled - March 18, 2008, by Senator **MITCHELL** of Kennebec

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

(In House, March 17, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-732)**.)

(In Senate, March 18, 2008, Reports **READ**.)

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

Senator **SMITH:** Thank you, Madame President. Just to sort of reiterate where we left off in the debate some days ago, this bill has changed its complexion quite a bit since it came in, but it's still going to cost rate payers some money because it compels the Public Utilities Commission to do a rate review prior to approving an alternative form of regulation for any telephone carrier. It is my view, the commission has the discretion now to do that if it feels it is necessary. This bill simply compels them to do it, whether they think it is necessary to do it or not. I think it's unwise, it will tend to increase costs at the commission, and use up scarce resources, and I don't believe it's necessary. It will eventually cost rate payers more. On that basis I would urge you to oppose the current motion. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I don't want to belabor this debate but I do want to briefly address the point of cost. The section of the statute that this is replacing has been through extensive litigation up and down through the courts because it is confusing. It is not clear in terms of how to apply it. Every time that happens that goes into the cost of these rate making proceedings. In my view, this will help to lower costs by applying a very clear standard. The PUC said it would be helpful

to them to have this clarification. It's certainly better to have something resolved at the PUC level than to have it continually going up and down the court system and accruing those costs. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bartlett to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#323)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-732) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/25/08) Assigned matter:

SENATE COMMUNICATION - Governors' nomination of Jeffrey A. Baker of Lewiston for appointment to the Maine Workers' Compensation Board.

S.P. 902

Tabled - March 25, 2008, by Senator **STRIMLING** of Cumberland

Pending - **REFERENCE** to the Committee on **LABOR**

(In Senate, March 25, 2008, **READ**.)

On motion by Senator **STRIMLING** of Cumberland, **ORDERED PLACED ON FILE.**

The Chair laid before the Senate the following Tabled and Later (3/25/08) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve Funding for the State Snowmobile Trail System"

H.P. 482 L.D. 633

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-773)** (9 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - March 25, 2008, by Senator **WESTON** of Waldo

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

(In House, March 20, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-773).**)

(In Senate, March 25, 2008, Reports **READ.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#324)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-773) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

S.P. 318 L.D. 1001

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

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-459)** (5 members)

Tabled - March 26, 2008, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 14, 2008, Reports **READ.**)

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

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

Senator **NASS:** Thank you, Madame President, ladies and Gentlemen of the Senate. This is an attempt to catch up small retailers to what the last legislature did relative to the taxation of personal property. What happened in the last session was we basically, mostly for big manufacturers, exempted personal property from taxation on a going forward basis. I think it becomes effective April 1 of this current year. For all new property purchased after that date the State of Maine is no longer going to tax the value of that property or personal property. This bill is an attempt to extend that benefit to small retailers, specifically to retailers under 20,000 square feet. I think there are others who will speak more about the details but that's it in its simplest form. I urge you to vote against the Ought Not to Pass Report and support the Minority Ought to Pass Report. Thank you.

On motion by Senator **COURTNEY** of York, 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. Just as a bit of a side bar, there is a reason we never want to go to computers here, because if you look at the computer, and I was trying to get refreshed on this whole process by looking at the committee report, the committee report that shows on the computer shows a near unanimous

report last spring before we recommitted it. Of course we didn't have any money. I guess somewhere along the way people's position on this have changed. This, for me, has been a fundamental promise and a commitment that we made to small retailers to give them the same treatment that we gave some of the larger companies in the state, whether it be International Paper or National Semiconductor. I think there might even have been a little something in there for LL Bean, but this is absolutely a matter of fairness and I would encourage all of you to vote against the pending motion and show small businesses and the Mom and Pop's that go out every day and work in their stores that they deserve to be treated the same as the large companies in Maine. Just simply, rather than having to pay your tax and waiting for the state to reimburse you, and hope that they reimburse you at 100%, this gives them the same treatment and says that they don't have to pay that tax because we don't charge it to the large companies. I would strongly encourage you all to vote against the pending motion so we will have the opportunity to vote for the bill. Thank you.

Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Same Senator moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Off Record Remarks

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

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

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

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Thursday, March 27, 2008, at 10:00 in the morning.