

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

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

In Senate Chamber
Tuesday
April 12, 2005

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

Prayer by Reverend Jay Hodge of the Wales Presbyterian
Church.

REVEREND HODGE: Let us pray. Our almighty and loving God, we call upon You to bless the people of this chamber as they struggle with the decisions before them. They are from different backgrounds with different insights and perspectives and yet they are all citizens of this state, this country, and Your world. Help them to use both their differences and their similarities to discern Your will for this state and its population. We also ask that You bless the outcome of their work so that their deliberations will yield the fruit of goodness and kindness, according to Your gracious nature. Finally we ask You to bless the process by which these decisions are made so that that direction taken by this governmental body, on behalf of the men, women, and children of Maine, is the same direction as the flow of Your mighty waters of justice and mercy. In Your most holy name we pray. Amen.

Pledge of Allegiance led by Senator Dana L. Dow of Lincoln
County.

Doctor of the day, Dr. Cindy Jenson of Waterville.

Reading of the Journal of Thursday, April 7, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Clarify the Authority of Podiatrists To Use
Assistants" (EMERGENCY)

S.P. 248 L.D. 750

In Senate, March 29, 2005, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-115), in NON-
CONCURRENCE.**

On motion by Senator **BROMLEY** of Cumberland, the Senate
RECEDED and **CONCURRED.**

Joint Resolution

The following Joint Resolution:

H.P. 1100

JOINT RESOLUTION IN HONOR OF POPE JOHN PAUL II

WHEREAS, it is with great sadness that We, the members of the One Hundred and Twenty-second Maine State Legislature, now assembled in the First Special Session, on behalf of the people we represent, have learned of the death of Pope John Paul II, who was spiritual and titular head of more than a billion Catholics worldwide; and

WHEREAS, his elevation to pope by the College of Cardinals in 1978, the election of the first non-Italian pope in 455 years, stunned the world; and

WHEREAS, Pope John Paul II was born Karol Wojtyla in Wadowice, Poland on May 18, 1920. He was educated in that town and attended university in Cracow until the Nazi occupation of Poland; and

WHEREAS, it was during the war that he had his call to the priesthood and he began his studies in the clandestine seminary in Cracow, and once it officially reopened after the war he continued his studies until his priestly ordination on November 1, 1946; and

WHEREAS, he served the pastoral ministry in France, Belgium and Holland until he returned to Poland to serve various parishes. He was appointed Auxiliary Bishop of Cracow by Pope Pius XII in 1958 and was nominated as Archbishop of Cracow by Pope Paul VI in 1964, who also made him a cardinal in 1967; and

WHEREAS, from the start of his Pontificate in 1978, Pope John Paul II completed 104 pastoral visits outside of Italy and 146 within Italy. During his reign, more than 17,600,000 pilgrims participated in the General Audience with him and millions more met him during his pastoral visits throughout the world; and

WHEREAS, Pope John Paul II fought for justice and peace for all people and fought against poverty, and he served as spiritual leader for millions of Catholics and as an example of faith for people throughout the world, and he reached out to other faiths, as well, during his 26-year papacy; and

WHEREAS, Pope John Paul II was one of the most respected figures of our time, and he exercised great influence throughout the world as a leading voice against poverty and for freedom, human dignity, democratic development and human rights, and he is credited with helping pave the way for the end of communism in his native land and across the Soviet bloc; and

WHEREAS, he will be mourned by those whose lives he touched, and on order of the President of the United States and the Governor of Maine the flags of the United States and the State of Maine are now flying at half-staff in his memory; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our sorrow on the death of this great man and to acknowledge our admiration for his life and works; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Bishop of Maine.

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

READ.

Under suspension of the Rules, all members of the Senate were added as cosponsors.

ADOPTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 545

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 7, 2005

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Paul Violette of Westbrook, Edmund Therrien of Presque Isle, and Terence Harrigan of Bangor for appointment as members of the Loring Development Authority.

Pursuant to Title 5 M.R.S.A. §13080-B, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 546

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 7, 2005

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Marine Resources
Rep. Leila J. Percy
House Chair, Joint Standing Committee on Marine Resources
122nd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has nominated Dana Rice of Birch Harbor for reappointment and Vincent Balzano of Saco, Randy Newcomb of Perry, Susan Farady of Cape Elizabeth, Glen Libby of Port Clyde, and Timothy Kief of Hancock for appointment as members of the Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. §6024, these nominations will require review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 547

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 8, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated
Ann Weisleder of Bangor for appointment as a member of the
State Board of Education.

Pursuant to Title 20-A §401, this nomination will require review by
the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 151

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

April 6, 2005

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary O'Brien:

Pursuant to my authority under Title 20-A, Section 19109, I am
pleased to reappoint Peter Geiger of Lewiston to the Advisory
Board to the Maine Learning Technology Fund, representing a
member of the public.

If you have any questions regarding this appointment, please do
not hesitate to contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 152

**MAINE STATE LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
AUGUSTA, MAINE 04333**

April 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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 bills out "Ought Not to
Pass":

- | | |
|-----------|---|
| L.D. 20 | An Act To Amend the Law Governing Hunting and Fishing Licenses for Maine National Guard Members |
| L.D. 283 | An Act To Improve the Moose Lottery Procedure |
| L.D. 531 | An Act To Limit the Harvesting of Eels in Maine Rivers |
| L.D. 660 | An Act To Allow the Taking of Another Deer by Persons Who Take a Deer on Youth Day |
| L.D. 664 | An Act To Control Fish Stocking in Inland Waters |
| L.D. 761 | An Act To Extend the Deer Hunting Season by One Week |
| L.D. 762 | An Act To Provide Moose Permits to Persons 75 Years of Age or Older with Hunting Experience |
| L.D. 935 | An Act To Allow Hunters in Maine To Take 2 Deer per Year |
| L.D. 953 | Resolve, To Make the Moose Hunting Season 2 Consecutive Weeks |
| L.D. 1095 | An Act To Alter the Slot Limit Restriction for Fishing |
| L.D. 1298 | An Act To Provide Free Hunting and Fishing Permits to Senior Citizens |

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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

The Following Communication: S.C. 153

**MAINE STATE LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS
AUGUSTA, MAINE 04333**

April 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 174 An Act To Provide Funding for the Applied
Technology Development Center System

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

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

The Following Communication: S.C. 154

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT
AUGUSTA, MAINE 04333**

April 4, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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. 225 An Act To Regulate Pharmaceutical Detailers
L.D. 366 An Act To Protect Consumers by Requiring
Retail Businesses To Post Complaint Contacts
L.D. 369 An Act To Require the Disclosure of the State's
Implied Warranty Laws

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. 155

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

April 4, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 12, 2005

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

- L.D. 26 An Act To Authorize a General Fund Bond Issue for Stranded Costs of Transmission and Distribution Utilities
- L.D. 1047 Resolve, To Study the Feasibility of Expanding the Market for American Fuels

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

The Following Communication: S.C. 156

**MAINE STATE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS
AUGUSTA, MAINE 04333**

April 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 677 Resolve, Regarding Access to Geographic Information System Data
- L.D. 777 An Act To Enhance Enforcement of Liquor Laws
- L.D. 946 An Act To Prohibit Petition Blockers from Polling Places

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

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. John L. Patrick
House Chair

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

The Following Communication: S.C. 157

**MAINE STATE LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL AFFAIRS
AUGUSTA, MAINE 04333**

April 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 114 An Act To Provide a Mandate-free Health Insurance Policy
- L.D. 130 An Act To Establish a Single-payor Health Care System
- L.D. 770 An Act To Provide Disclosure Related to Workers' Compensation Insurance
- L.D. 922 An Act Regarding Insurance Payments When an Automobile Is Totaled

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 158

**MAINE STATE LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
AUGUSTA, MAINE 04333**

April 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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. 542 An Act To Encourage Greater Efficiencies in the Delivery of County Correctional Services
- L.D. 928 Resolve, To Establish the Commission To Study the Commitment Process for Persons Adjudged Not Criminally Responsible

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. Patricia A. Blanchette
House Chair

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

The Following Communication: S.C. 159

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

April 7, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 372 An Act To Enhance Property Tax Relief through the State-municipal Revenue-sharing Program
- L.D. 533 An Act To Tax Gambling Winnings of Nonresidents
- L.D. 851 An Act To Maintain Traditional Recreational Uses in Maine's Forests
- L.D. 1151 An Act To Allow Citizens Who Have Been Overbilled for Property Taxes To Reduce Their Payments in Succeeding Years
- L.D. 1180 An Act To Create a Property Tax Reimbursement for Commercial Dairy Farms
- L.D. 1226 An Act To Amend the Laws Governing the Taxation of Time-share Estates

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition"

H.P. 444 L.D. 611

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Ban Remote-control Hunting"
H.P. 46 L.D. 50

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-110)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**.

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

READ ONCE.

Committee Amendment "A" (H-110) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Authorize the Transfer of Hunting Permits"
H.P. 445 L.D. 612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

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

READ ONCE.

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Create a Civil Violation for Operating a Snowmobile Left of Center"
H.P. 687 L.D. 977

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.

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

READ ONCE.

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits"
H.P. 308 L.D. 423

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

Signed:

Senators:

BARTLETT of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:

DRISCOLL of Westbrook
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-34)**.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SMITH of Van Buren
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)** Report, in **NON-CONCURRENCE**.

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

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

Senator **SNOWE-MELLO:** Thank you, Madame President. By considering L.D. 423, we are considering legislation that will contribute to the cost of education across the State of Maine without contributing to the education of the students of this state. Maine has a long history of not allowing school year employees, who have assurances of being hired for the next school year, to collect unemployment compensation benefits during summer vacation. To consider this change at a time when the state is attempting to deliver property tax relief and reform school funding is counterproductive. Passing this bill would result in a direct and substantial cost to property taxpayers across the State of Maine. Conservative estimates are that L.D. 423 would increase the cost to operate Maine's schools by at least \$3.7 million per year. This cost covers 8 week periods that schools are not even in operation. Food service workers are allowed the option to have their pay spread out over the entire year if they wish. They are well aware of the seasonal nature of the work when they accept positions within a school system. Furthermore, how would we justify granting unemployment compensation to food service workers in schools without also extending this benefit to other categories of workers employed by our schools; bus drivers, secretaries, and custodians. We could be looking at doubling this \$3.7 million estimated increase previously mentioned. With this knowledge in mind, I urge this Senate to vote ought not to pass on L.D. 423. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I urge my colleagues to vote for the ought to pass motion. What this bill is doing, in sum, is protecting some of the lowest paid workers in our public school system. In the summertime, when they have time off from the school, in an urban area like mine, there is plenty of work available. They can go and find additional jobs because there are lots of food service needs. In our rural communities, there are not as many jobs available. We need to make sure we can take care of them. The cost of \$3.7 million is the maximum cost that this could cost if every food service worker in the state was looking for work all summer long and was not able to find a job. We know, of course, that this is true. As a matter of fact, we could probably estimate maybe 10% to 20% who are looking for work diligently but would not be able to find that work. The exclamations that this is going to cost a tremendous amount of money are just not true. All we are doing today is protecting some of poorest workers in our public school system. I dare say that we can afford it. If we can afford to rebate tax bills on some of our wealthiest corporations, who don't even pay that tax, I think that we can find a way to support some of the poorest workers in this state.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in opposition to this bill and find myself agreeing with the Senator from Androscoggin, Senator Snowe-Mello, who I sit next to in the Labor Committee and all too often find myself disagreeing with.

Certainly on this issue we are on the same side. Although I certainly understand the concerns raised by the good Senator from Cumberland, Senator Strimling, what this comes down to is another unfunded mandate being passed along to our local schools at a time when they simply can't afford it. Moreover, I think this ultimately comes down to a contract issue, an issue of contract negotiations between the parties. Everybody knows when they enter into it that it is a 9 month contract. I think that this could be much better addressed at that level. For those reasons, I will oppose this piece of legislation. Thank you.

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 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 (#60)

YEAS: Senators: BRYANT, GAGNON, MARTIN, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

5 Senators having voted in the affirmative and 30 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 "A" (H-34)** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Off Record Remarks

Senate

Ought to Pass

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Promote Access to Transportation for Seniors" S.P. 16 L.D. 36

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Increase Turkey Hunting Opportunities (EMERGENCY)

S.P. 498 L.D. 1456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-76).**

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

READ ONCE.

Committee Amendment "A" (S-76) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-76).**

Ordered sent down forthwith for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Eliminate Automobile Inspection Requirements" S.P. 30 L.D. 88

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
HOGAN of Old Orchard Beach
FISHER of Brewer
McKENNEY of Cumberland
COLLINS of Wells
BROWNE of Vassalboro
MAZUREK of Rockland
PARADIS of Frenchville
SAMPSON of Auburn

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

Signed:

Representative:
THOMAS of Ripley

Reports **READ.**

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

Sent down for concurrence.

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

SECOND READERS

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

House

Bill "An Act To Update Certain Provisions Pertaining to County Government"

H.P. 179 L.D. 240

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

Off Record Remarks

House As Amended

Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)
H.P. 12 L.D. 7
(C "A" H-107)

Bill "An Act To Provide Tax Relief for People with Functional Limitations"

H.P. 94 L.D. 118
(C "A" H-108)

Bill "An Act To Increase the Limit on the Right To Rejoin the Maine State Retirement System"

H.P. 391 L.D. 515
(C "A" H-106)

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 12, 2005

Bill "An Act To Alter Trade-in Allowances Regarding Motor Homes"

H.P. 426 L.D. 593
(C "A" H-75)

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

Senate

Bill "An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act"

S.P. 124 L.D. 400

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations

H.P. 318 L.D. 433
(C "A" H-81)

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

Acts

An Act To Amend Appellate Review Jurisdiction of the Superior Court

H.P. 695 L.D. 985

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

An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors
H.P. 398 L.D. 522

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/7/05) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, on Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 16 L.D. 11

Majority - **Ought to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-99)** (1 member)

Tabled - April 7, 2005, by Senator **BRENNAN** of Cumberland

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

(In House, April 6, 2005, the Majority **OUGHT TO PASS** Report **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, April 7, 2005, Reports **READ**.)

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Requiring Release of Aggregate Information from the Department of Education To Measure the Effectiveness of the Law Requiring Fingerprinting and Background Checks of Educational Personnel"

H.P. 1103 L.D. 1565

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow Nurse Practitioners To Sign Death Certificates"

H.P. 1106 L.D. 1568

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Full Faith and Credit for Legal Documents Executed in Other Jurisdictions"

H.P. 1104 L.D. 1566

Bill "An Act To Amend the Uniform Health-care Decisions Act Concerning Personal Representatives under Federal Law"

H.P. 1105 L.D. 1567

Bill "An Act To Abolish the Maine Indian Tribal-State Commission"

H.P. 1107 L.D. 1569

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create Optional Public Financing of Legislative Leadership Elections"

H.P. 1101 L.D. 1562

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Include Intangible Assets when Determining the Value of Property"

H.P. 1102 L.D. 1564

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

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

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

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, April 13, 2005, at 10:00 in the morning.