

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
Monday
May 9, 2005

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

Prayer by Reverend Thomas Chittick of the Trinity Lutheran
Church of Westbrook.

REVEREND CHITTICK: Let us be in the spirit of prayer. We
dedicate this week, oh God, to Your will and Your work. We are
the sons and daughters of Torah and the followers in the way of
Jesus, the seekers after truth. We thank You for the weekend's
rest and for the celebrations we have had in honor of mothers.
We are grateful for their nurturance, even as we seek to offer
legislative nurturance for the people in the State of Maine. Help
us to see the work that You have given us to do as a divine
calling and to conform the work of this body to the ideals of
mercy, justice, equity, and peace. Thank You for this day, for the
air we breath, and for all the hands that support and strengthen
us from day to day. Guide us now in the deliberations of this day
with gratitude, compassion, and good humor. For the kingdom,
the power, and the glory are Yours, now and forever. Amen.

Pledge of Allegiance led by Senator Arthur F. Mayo, III of
Sagadahoc County.

Doctor of the day, Dr. William (Ed) Atlee of Augusta.

Reading of the Journal of Thursday, May 5, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1160

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO
AVOID SOLE-SOURCED SHIPBUILDING**

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

WHEREAS, the State of Maine has a long shipbuilding
tradition, going back to colonial times when our vast forests
supplied timber to build ships in shipyards large and small along
the 3,500-mile-long coast; and

WHEREAS, Maine is still home to Bath Iron Works, a major
shipbuilder of this Nation, a major employer of our State that has
a century-long tradition of building the best ships in the world; and

WHEREAS, our Nation has an equally long tradition of
encouraging competition among businesses to ensure efficiency,
equality, cost-containment and fair play; and

WHEREAS, federal officials have recently indicated that
government contracts to build ships may be sole-sourced, or
given to one shipyard only, in effect ending competitive bidding
among shipbuilders in this country; and

WHEREAS, sole-sourced production creates unfair
monopolies that hurt the taxpayers of this Nation by not allowing
the best price and best shipyard to do the work; and

WHEREAS, our national security depends on having the
most effective military in the world, and United States Navy
effectiveness requires having a superior fleet, a fleet that needs to
be built with the highest quality and at the best cost; now,
therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge
the Congress of the United States to disavow sole-sourcing of
shipbuilding contracts and to encourage competitive bidding
among the qualified shipyards of the Nation; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 251

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

May 4, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd 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 122nd Maine Legislature, the Joint Standing Committee on Utilities and Energy has had under consideration the nomination of Kurt W. Adams of Oakland, for appointment to the Public Utilities Commission.

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	Bartlett of Cumberland, Cowger of Kennebec
	Representatives	9	Adams of Portland, Babbidge of Kennebunk, Brautigam of Falmouth, Curtis of Madison, Fitts of Pittsfield, Fletcher of Winslow, McLeod of Lee, Richardson of Skowhegan, Rines of Wiscasset
NAYS	Senator	1	Weston of Waldo
	Representatives	0	
ABSENT		1	Rep. Bliss of South Portland

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Kurt W. Adams of Oakland, for appointment to the Public Utilities Commission be confirmed.

Signed,

S/Philip L. Bartlett II
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 252

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 4, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd 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 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Ann I. Weisleder of Bangor, for appointment to the State Board of Education.

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	Mitchell of Kennebec, Turner of Cumberland
	Representatives	8	Cain of Orono, Davis of Falmouth, Edgcomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		3	Rep. Makas of Lewiston, Rep. Merrill of Appleton, Sen. Schneider of Penobscot

Ten 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 Ann I. Weisleder of Bangor, for appointment to the State Board of Education be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 254

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

May 5, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd 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 122nd Maine Legislature, the Joint Standing Committee on Insurance & Financial Services has had under consideration the nomination of Christine A. Bruenn of Jefferson, for appointment as the Commissioner of the Department of Professional and Financial Regulation.

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	Mayo of Sagadahoc, Mills of Somerset, Sullivan of York
	Representatives	8	Glynn of South Portland, Harlow of Portland, Lindell of Frankfort, Marrache of Waterville, McKane of Newcastle, Perry of Calais, Richardson of Warren, Vaughan of Durham
NAYS		0	
ABSENT		2	Rep. Brautigam of Falmouth, Rep. Pilon of Saco

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 Christine A. Bruenn of Jefferson, for appointment as the Commissioner of the Department of Professional and Financial Regulation be confirmed.

Signed,

S/Nancy B. Sullivan
Senate Chair

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#85)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: MILLS, PLOWMAN

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Christine A. Bruenn** of Jefferson, for appointment as the Commissioner of the Department of Professional and Financial Regulation was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Christine A. Bruenn of Jefferson. Would she please rise and accept the greetings of the Maine Senate.

Off Record Remarks

ORDERS OF THE DAY

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

NOMINATION - of Kurt W. Adams of Oakland, for appointment to the Public Utilities Commission

Tabled - May 9, 2005, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, May 9, 2005, Communication (S.C. 251) from the Committee on **UTILITIES AND ENERGY, READ and ORDERED PLACED ON FILE.**)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#86)

YEAS: Senators: ROSEN, SNOWE-MELLO, WESTON

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: MILLS, PLOWMAN

EXCUSED: Senator: DAMON

3 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and 3 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 **Kurt W. Adams** of Oakland, for appointment to the Public Utilities Commission was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Kurt W. Adams of Oakland. Would he please rise and accept the greetings of the Maine Senate.

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

NOMINATION - of Ann I. Weisleder of Bangor, for appointment to the State Board of Education

Tabled - May 9, 2005, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 9, 2005, Communication (S.C. 252) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#87)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: MILLS, PLOWMAN

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ann I. Weisleder** of Bangor, for appointment to the State Board of Education was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Ann I. Weisleder of Bangor. Would she please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 245

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

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 9, 2005

April 28, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1429 An Act To Amend the Laws Governing the Size, Placement and Use of Certain On-premises Signs

L.D. 1544 An Act To Exempt Vehicles Hauling Equipment Used for Timber Harvesting from Certain Restrictions Posted on Roads

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 246

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

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

L.D. 138 Resolve, To Provide Efficient Highway Access to Central Maine Medical Services

L.D. 915 An Act To Amend the Motor Vehicle Habitual Offender Law

L.D. 1124 An Act To Allow the Secretary of State To Review License Suspensions

L.D. 1453 Resolve, To Improve Public Safety, Enhance Local Communities and Reduce Transportation Expenses

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 247

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

May 3, 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. 291 An Act To Extend Term Limits

L.D. 914 An Act To Prohibit Campaign Expenditures except during an Established Campaign Season

L.D. 945 An Act To Allow the Counting of Absentee Ballots prior to Election Day

L.D. 1087 An Act To Protect the Citizen Initiative Signature Collection Process at Polling Places

- L.D. 1111 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and Representatives and To Increase Term Limits to 12 Years
- L.D. 1169 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations
- L.D. 1174 An Act To Strengthen Enforcement of the Political Signs Law

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. 248

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

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

- L.D. 573 An Act To Generate Savings in the Unemployment Compensation Fund

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication: S.C. 249

**MAINE STATE LEGISLATURE
COMMITTEE ON MARINE RESOURCES
AUGUSTA, MAINE 04333**

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

- L.D. 167 An Act To Provide Flexibility for Sea Urchin Zones

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: S.C. 250

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

May 2, 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 bill out "Ought Not to Pass":

L.D. 1403 An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing

We have also notified the sponsor and cosponsors 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**.

SENATE PAPERS

Bill "An Act To Establish the Maine Higher Education Employer Initiative"

S.P. 617 L.D. 1663

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Senators: ANDREWS of York, WESTON of Waldo, Representatives: CAIN of Orono, CUMMINGS of Portland, GOLDMAN of Cape Elizabeth, MARLEY of Portland.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Limit Mercury Emissions from Crematoria"

S.P. 616 L.D. 1664

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative KOFFMAN of Bar Harbor.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Maine Foster and Adoptive Parents"
H.P. 761 L.D. 1108

Reported that the same be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit Corporate Influence Over the Political Process"
H.P. 1052 L.D. 1495

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

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

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

Ought to Pass

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Governing the Rural Medical Access Program"

H.P. 1035 L.D. 1472

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.

The Committee on **TRANSPORTATION** on Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners

H.P. 580 L.D. 821

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Committee on **TRANSPORTATION** on Resolve, To Name the New Augusta Bridge

H.P. 877 L.D. 1280

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Support the New Century Community Program"

H.P. 543 L.D. 766

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

READ ONCE.

Committee Amendment "A" (H-227) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund"

H.P. 552 L.D. 775

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-228)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**.

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

READ ONCE.

Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Funding for 'Camp To Belong' To Reunite Siblings Separated by Foster Care"

H.P. 573 L.D. 808

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

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

READ ONCE.

Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources"

H.P. 852 L.D. 1234

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-218)**.

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

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

READ ONCE.

Committee Amendment "A" (H-218) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish Consumer Protections and Regulations for Deferred Deposit Loans"
H.P. 565 L.D. 788

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-241)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

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

READ ONCE.

Committee Amendment "A" (H-241) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Allowing School Unions To Improve Efficiency"
H.P. 607 L.D. 856

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-234)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234)**.

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

READ ONCE.

Committee Amendment "A" (H-234) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse (EMERGENCY)

H.P. 14 L.D. 9

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-236)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)**.

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

READ ONCE.

Committee Amendment "A" (H-236) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Authorize Certain Campers To Carry Asthma Inhalers and Epinephrine Pens on Their Persons"

H.P. 48 L.D. 52

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-237)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237)**.

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

READ ONCE.

Committee Amendment "A" (H-237) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities"

H.P. 51 L.D. 55

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-238).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238).**

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

READ ONCE.

Committee Amendment "A" (H-238) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services"

H.P. 147 L.D. 196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239).**

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

READ ONCE.

Committee Amendment "A" (H-239) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Create a Hospital Program for Young Women with Eating Disorders

H.P. 178 L.D. 239

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-240).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240).**

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

READ ONCE.

Committee Amendment "A" (H-240) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Grant Limited Reciprocity to Nonresident ATV Users"
H.P. 316 L.D. 431

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-224).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224).**

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

READ ONCE.

Committee Amendment "A" (H-224) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters"

H.P. 536 L.D. 759

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-225).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225).**

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

READ ONCE.

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime"
H.P. 623 L.D. 873

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-226).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-226).**

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

READ ONCE.

Committee Amendment "A" (H-226) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Insurance Coverage for Medically Necessary Breast Reduction and Symptomatic Varicose Vein Surgery"

H.P. 429 L.D. 596

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Improve the Affordability of Health Insurance"

H.P. 544 L.D. 767

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211).**

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules"

H.P. 676 L.D. 966

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-210).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210).**

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

READ ONCE.

Committee Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Prohibit Firearms in a Courthouse" (EMERGENCY)

H.P. 117 L.D. 166

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217).**

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

READ ONCE.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Resolve, To Establish the Study Commission Regarding Liveable Wages (EMERGENCY)

H.P. 854 L.D. 1236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-232).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232).**

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

READ ONCE.

Committee Amendment "A" (H-232) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Amend the Laws Regarding Certain Employment-related Matters"
H.P. 983 L.D. 1419

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-233).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233).**

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

READ ONCE.

Committee Amendment "A" (H-233) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Invasive Species and Water Quality Standards"
H.P. 901 L.D. 1304

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-245).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245).**

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

READ ONCE.

Committee Amendment "A" (H-245) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Technical and Minor Changes in the Capitol Planning Commission"
H.P. 749 L.D. 1096

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-219).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219).**

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

READ ONCE.

Committee Amendment "A" (H-219) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights"
H.P. 182 L.D. 243

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-220).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220).**

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

READ ONCE.

Committee Amendment "A" (H-220) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Passing in Designated No-passing Zones"
H.P. 735 L.D. 1082

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-209).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209).**

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

READ ONCE.

Committee Amendment "A" (H-209) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

The Following Communication: S.C. 255

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

May 6, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd 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 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Edward J. Kane of South Portland, for appointment to the Maine Educational Loan Authority.

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	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	6	Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Smith of Monmouth
NAYS		0	
ABSENT		4	Rep. Austin of Gray, Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Robinson of Raymond

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward J. Kane of South Portland, for appointment to the Maine Educational Loan Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#88)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: MILLS, PLOWMAN

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Edward J. Kane** of South Portland, for appointment to the Maine Educational Loan Authority was **CONFIRMED**.

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

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

The Following Communication: S.C. 256

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

May 6, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd 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 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Anne Connors of Waterville, for appointment to the Maine Educational Loan Authority.

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	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	5	Beaudette of Biddeford, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Smith of Monmouth
NAYS		0	
ABSENT		5	Rep. Austin of Gray, Rep. Berube of Lisbon, Rep. Crosby of Topsham, Rep. Rector of Thomaston, Rep. Robinson of Raymond

Eight 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 Anne Connors of Waterville, for appointment to the Maine Educational Loan Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#89)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: MILLS, PLOWMAN

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Anne Connors** of Waterville, for appointment to the Maine Educational Loan Authority was **CONFIRMED**.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Extend the Kim Wallace Adaptive Equipment Loan Program" (EMERGENCY)

S.P. 447 L.D. 1267

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 BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Change the Definition of 'Academic Medical Center'"
S.P. 103 L.D. 341

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-135)**.

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

READ ONCE.

Committee Amendment "A" (S-135) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Education Laws Regarding Equivalent Instruction, Medical Screening and Adult Education"
S.P. 295 L.D. 887

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-133)**.

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

READ ONCE.

Committee Amendment "A" (S-133) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals"
S.P. 130 L.D. 406

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-134)**.

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

READ ONCE.

Committee Amendment "A" (S-134) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

COMMUNICATIONS

The Following Communication: S.C. 259

**MAINE STATE LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

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

- | | |
|----------|---|
| L.D. 183 | An Act Relating to the Definition of Indigenous Species |
| L.D. 403 | An Act To Repeal the Minimum Penalty for Environmental Violations |
| L.D. 577 | An Act To Amend the Law Governing Rate of Growth Ordinances |
| L.D. 658 | An Act To Protect Maine's Natural Resources for Maine Residents |

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

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Law Governing the Department of Transportation's Contracting Authority"
H.P. 1173 L.D. 1662

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** 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

**Pursuant to Statute
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1174 L.D. 1665

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 260

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

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

- | | |
|-----------|--|
| L.D. 158 | An Act To Validate Collective Bargaining Provisions That May Affect Education Policies |
| L.D. 1312 | Resolve, To Institute a State Magnet School for Languages |
| L.D. 1451 | Resolve, To Enforce Environmental Health Protection Measures in Public Schools |

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 261

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

May 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. 638 An Act To Protect Public Safety and Help Offenders Return Safely to the Community

L.D. 1237 An Act To Amend the Sentencing Laws

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.**

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

ENACTORS

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

Emergency Measure

An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds

S.P. 508 L.D. 1482
(C "A" S-115)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Senate at Ease.

Senate called to order by the President.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

RECESSED until 11:30 in the morning.

After Recess

Senate called to order by the President.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly" (EMERGENCY)

H.P. 131 L.D. 180

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-206).**

Signed:

Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook
NASS of York

Representatives:
BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington
MILLETT of Waterford
BOWEN of Rockport
CURLEY of Scarborough

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

Signed:

Representative:
NUTTING of Oakland

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-206)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-206) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Restore Support for HIV and AIDS Treatment and Prevention"

H.P. 421 L.D. 588

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

Signed:

Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:
BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington
BOWEN of Rockport
CURLEY of Scarborough

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

Signed:

Senator:
NASS of York

Representatives:
MILLETT of Waterford
NUTTING of Oakland

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

Reports **READ**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget

H.P. 762 L.D. 1109

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

Signed:

Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:
BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

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

Signed:

Senator:
NASS of York

Representatives:
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

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

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, 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 (#90)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

EXCUSED: Senator: DAMON

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Assist Families and Children by Increasing Access to the Court System" (EMERGENCY)

H.P. 890 L.D. 1293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-196)**.

Signed:

Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:
BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston

FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

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

Signed:

Senator:
NASS of York

Representatives:
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

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-196)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-196) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Equity in the State Contribution to County Jail Expenses"

H.P. 82 L.D. 106

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

Signed:

Senators:
DIAMOND of Cumberland
NUTTING of Androscoggin
CLUKEY of Aroostook

Representatives:
BLANCHETTE of Bangor
GREELEY of Levant
GERZOFKY of Brunswick
SYKES of Harrison
GROSE of Woolwich
DAVIS of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-223)**.

Signed:

Representatives:

PLUMMER of Windham
HANLEY of Gardiner
CHURCHILL of Washburn
PARADIS of Frenchville

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted"

H.P. 457 L.D. 624

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-216)**.

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
EDGECOMB of Caribou
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston
LANSLEY of Sabattus
CAIN of Orono

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

Signed:

Representative:

MERRILL of Appleton

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-216)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-216) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance Community Involvement Regarding Methadone Clinics"

H.P. 24 L.D. 21

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-235)**.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
SHIELDS of Auburn
LEWIN of Eliot
GLYNN of South Portland

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

Signed:

Representative:

CAMPBELL of Newfield

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-235) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Health Insurance Coverage for Employees of Small Businesses"

H.P. 87 L.D. 111

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

Signed:

Senators:

SULLIVAN of York
MILLS of Somerset

Representatives:

PERRY of Calais
McKANE of Newcastle
LINDELL of Frankfort
PILON of Saco
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-213)**.

Signed:

Senator:

MAYO of Sagadahoc

Representatives:

BRAUTIGAM of Falmouth
HARLOW of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

H.P. 706 L.D. 1021

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

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

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations"

H.P. 585 L.D. 826

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

Signed:

Senator:

COWGER of Kennebec

Representatives:

KOFFMAN of Bar Harbor
THOMPSON of China
ANNIS of Dover-Foxcroft
EBERLE of South Portland
DAIGLE of Arundel
SAVIELLO of Wilton
DUCHESNE of Hudson
ROSEN of Bucksport
TWOMEY of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-144)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

JOY of Crystal

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

Reports **READ**.

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

Divided Report

Nine members of the Committee on **TRANSPORTATION** on Bill "An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds"
H.P. 123 L.D. 172

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

FISHER of Brewer
SAMPSON of Auburn
McKENNEY of Cumberland
COLLINS of Wells
BROWNE of Vassalboro
THOMAS of Ripley

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass**.

Signed:

Representatives:

PARADIS of Frenchville
HOGAN of Old Orchard Beach
MAZUREK of Rockland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-221)**.

Signed:

Representative:

MARLEY of Portland

Comes from the House with Report "A", **OUGHT NOT TO PASS** **READ** and **ACCEPTED**.

Reports **READ**.

Senator **DIAMOND** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence.

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

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence. (Roll Call Ordered)

Divided Report

Nine members of the Committee on **TRANSPORTATION** on Bill "An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle"
H.P. 401 L.D. 525

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

SAMPSON of Auburn
THOMAS of Ripley
HOGAN of Old Orchard Beach
FISHER of Brewer
BROWNE of Vassalboro
MAZUREK of Rockland

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-164)**.

Signed:

Representatives:

McKENNEY of Cumberland
COLLINS of Wells
MARLEY of Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass**.

Signed:

Representative:

PARADIS of Frenchville

Comes from the House with Report "A", **OUGHT NOT TO PASS READ and ACCEPTED**.

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, Report "A", **OUGHT NOT TO PASS ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits"
S.P. 473 L.D. 1375

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 BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restrict Undocumented Mortgage Agreements"
S.P. 65 L.D. 159

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reauthorize the Petroleum Market Share Act" (EMERGENCY)
S.P. 194 L.D. 585

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

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

READ ONCE.

Committee Amendment "A" (S-128) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify Reporting Responsibilities to Licensing Boards"
S.P. 234 L.D. 697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-130)**.

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

READ ONCE.

Committee Amendment "A" (S-130) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Study the Insured Value Factor in School Tuition

S.P. 329 L.D. 989

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126).**

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

READ ONCE.

Committee Amendment "A" (S-126) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor
S.P. 500 L.D. 1458

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127).**

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

READ ONCE.

Committee Amendment "A" (S-127) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Protect Motherhood"

S.P. 292 L.D. 884

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-139).**

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

READ ONCE.

Committee Amendment "A" (S-139) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Require That the Department of Health and Human Services Include a Bureau of Elder Services"
H.P. 262 L.D. 349

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

House As Amended

Bill "An Act To Promote Math and Science Education Learning Kindergarten to Grade 12"

H.P. 95 L.D. 119
(C "A" H-204)

Bill "An Act To Support and Expand Regional Teacher Development Centers"

H.P. 150 L.D. 199
(C "A" H-205)

Bill "An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance"

H.P. 200 L.D. 261
(C "A" H-193)

Bill "An Act To Amend the Laws Governing Mobile Service Bars on Maine Golf Courses"

H.P. 215 L.D. 290
(C "A" H-208)

Bill "An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development"

H.P. 232 L.D. 308
(C "A" H-189)

Bill "An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council"

H.P. 290 L.D. 388
(C "A" H-207)

Bill "An Act To Amend the Waldoboro Utility District"
(EMERGENCY)

H.P. 291 L.D. 389
(C "A" H-180)

Bill "An Act To Promote the More Efficient Use of Natural Gas"

H.P. 300 L.D. 397
(C "A" H-185)

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 9, 2005

Resolve, To Improve Access to Emergency Services in State Parks and in the Maine Wildlife Park

H.P. 323 L.D. 438
(C "A" H-186)

Bill "An Act To Cap Tuition Rates by Schools in the Unorganized Territory"

H.P. 353 L.D. 478
(C "A" H-203)

Resolve, To Extend the 2-year Rabies Vaccination Certificate to 3 Years (EMERGENCY)

H.P. 361 L.D. 486
(C "A" H-178)

Bill "An Act To End Discrimination against Persons with Pulmonary Disabilities in Northern and Eastern Maine"

H.P. 418 L.D. 563
(C "A" H-181)

Bill "An Act To Clarify the Liquor Enforcement Laws"

H.P. 453 L.D. 620
(C "A" H-179)

Bill "An Act To Make Technical Changes in Laws Relating to Conservation"

H.P. 578 L.D. 813
(C "A" H-200)

Resolve, To Require the State To Clean Up Toothaker Pond in Phillips

H.P. 603 L.D. 852
(C "A" H-192)

Bill "An Act To Streamline Sewer District and Sanitary District Borrowing"

H.P. 615 L.D. 864
(C "A" H-184)

Bill "An Act To Ensure Equity in Funding" (EMERGENCY)

H.P. 619 L.D. 868
(C "A" H-198)

Bill "An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics"

H.P. 640 L.D. 921
(C "A" H-188)

Bill "An Act To Revise the Charter of the Kennebunk Sewer District"

H.P. 692 L.D. 982
(C "A" H-183)

Bill "An Act To Designate Pay Phone Locations in the Public Interest"

H.P. 754 L.D. 1101
(C "A" H-199)

Bill "An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities"

H.P. 869 L.D. 1272
(C "A" H-195)

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

Senate As Amended

Resolve, To Establish a Demonstration Project To Create Mental Health and Substance Abuse Treatment Programs for Immigrant and Refugee Populations

S.P. 17 L.D. 37
(C "A" S-124)

Bill "An Act To Provide for the Efficient Administration of Scholarship Resources" (EMERGENCY)

S.P. 216 L.D. 680
(C "A" S-123)

Bill "An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members"

S.P. 221 L.D. 685
(C "A" S-121)

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

Sent down for concurrence.

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

ENACTORS

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

Acts

An Act To Amend the Maine Juvenile Code

H.P. 181 L.D. 242
(H "A" H-125 to C "A" H-114)

An Act To Allow Retired Firefighters To Retain Their Firefighter License Plates

H.P. 273 L.D. 360
(C "A" H-131)

An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from State Requirements for Degree-granting Authority

H.P. 309 L.D. 424
(C "A" H-128)

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

ORDERS OF THE DAY

Unfinished Business

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

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

Bill "An Act To Increase Vital Records Fees"
H.P. 348 L.D. 473

Tabled - April 7, 2005, by Senator **GAGNON** of Kennebec

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

(In House, April 5, 2005, **PASSED TO BE ENGROSSED**.)

(In Senate, April 7, 2005, **READ A SECOND TIME**.)

On motion by Senator **SNOWE-MELLO** of Androscoggin, Senate Amendment "A" (S-75) **READ**.

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. This amendment would exclude the death certificate from these proposed fee increases. The death of a loved one is probably the toughest time in anyone's life. With the personal loss, the grieving, the separation, and the mourning, it is all we can do sometimes is to muster the strength and faith to get through the loss of a loved one in one piece. When the loved one that has passed on is the principle wage earner, the financial loss only adds to the hardship that will face the surviving members of the family. Let's not add to the hardship by increasing the fees required to obtain a death certificate. It's not unusual for a dozen or more copies of death certificates to be required to settle the affairs of the deceased. It is not unlikely that a family, already reeling under the uncertainty of their circumstances, could be facing an additional \$100 or more to fill the request for copies of their loved one's death certificate. We all know the old adage, that the only certainties of life are death and taxes. While we as legislators maybe powerless to prevent the inevitability of a death, we have an opportunity here to at least minimize the fees and taxes to those in mourning that are left behind to deal with.

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

Senator **SCHNEIDER** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-75).

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

Senator **SCHNEIDER:** Thank you, Madame President. With all due respect, this particular piece of legislation came out of the State and Local Government Committee with unanimous support. I've received numerous e-mails and communications from people who didn't understand why we made that decision in our committee. Some people are wondering if there is a tax out there that we don't like. Frankly, most of us do not like taxes or fees any more than the rest of you. However, when clerks from around the state come to our committee and make very valid, very reasonable requests to our committee, stating the facts, it was not a difficult decisions for our committee to come to the conclusion that, regardless of the vital record that was in question, whether it is a marriage certificate, a birth certificate, or a death certificate, that these are in need of an increase. There has not been an increase since 1993. By the time this goes into effect, we will have waited just about 13 years for an increase.

A town clerk from York came forward and said that in the year of 2004 49% of the 233 deaths were non-residents to the town. Of the 421 births, 76 were non-residents. She stated that these notifications take much time, labor, and effort. The increase is not a great increase. I would encourage you, based on the fact that this came out of our committee with unanimous support, both Republicans and Democrats supporting this measure, that we do move forward with the Ought to Pass as originally recommended. Thank you.

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. A representative from the Maine Municipal approached me on this and wondered why I did it. I explained to him my reasons. He felt my reasons were just and fair. He also said that this is one that they are willing to let go. I'm asking you to, please, be compassionate for those whose family members have passed away. At this time in somebody's life, they don't need extra expenses piled up onto them. Please, I ask you to vote against the pending motion and support my amendment. Thank you very much.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. As I look at the summary, I see that the first certificate is \$15 and the second is \$6. I'm wondering if anyone in the committee might be able to answer how many certificates generally are there in this case?

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

Senator **SCHNEIDER**: Thank you, Madame President. I'd have to ask if this is statewide? I don't know if you are asking for statewide or locally. I'm looking at the town of York, as a matter of fact, and I can give you what they put in their testimony for 2004 as the total. I don't know how many had two copies or duplicate copies. I guess I would ask for clarification of your question.

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

Senator **SULLIVAN**: Thank you, Madame President, men and women of the Senate. First of all, I think in answer to the question it would depend on how many life insurance policies you needed to show that you had a death certificate for. When my mother passed away it was fewer than when my father passed away.

Why I stood is that I have spoken to all four of the town clerks that I represent. All of them have asked us to pass these. It's been very simple. They are tired. It has become more and more expensive for the towns, our municipalities that we represent, to provide the copies, just with the wages of the people being used. They said, 'We have to be able to raise this as we pay for it.' They have begged me to sign on. That would be from Kennebunk, Kennebunkport, Arundel, and Biddeford. Thank you very much.

On motion by Senator **DAVIS** of Piscataquis, 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 Sagadahoc, Senator Mayo.

Senator **MAYO**: Thank you, Madame President, ladies and gentlemen of the Senate. In answer to the question by the good Senator from York, Senator Courtney, as a former funeral director, the answer would be somewhere between three and five.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Cowger.

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

THE PRESIDENT: The Senator may pose his question.

Senator **COWGER**: Thank you, Madame President. Am I correct in reading the bill that increase in fees is a mere \$3 for the first copy and \$2 for additional copies?

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

Senator **SCHNEIDER**: Thank you, Madame President. The bill increases the fees paid to municipalities for providing a copy of a birth, marriage, or death certificate from \$7 to \$10 for the first copy and from \$3 to \$5 for each additional copy. The bill also increases the burial permit fee from \$4 to \$5 and the fee currently paid to the state for providing a copy of the birth, marriage, or

death certificate is \$15. You can see that it is far more if you end up doing this through the state. This goes to the local municipalities and I have to say I have yet to hear from a clerk who speaks against this. I also would like to state that the Maine Municipal testified in favor of this, very much in favor of this change. Thank you very much, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Indefinitely Postpone Senate Amendment "A" (S-75). 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 (#91)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, DAVIS, DOW, HASTINGS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: MILLS

EXCUSED: Senator: DAMON

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **SCHNEIDER** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-75), **PREVAILED**.

PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/05) Assigned matter:

An Act To Raise the Marriage Fees
H.P. 281 L.D. 379

Tabled - April 13, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In House, April 12, 2005, **PASSED TO BE ENACTED**.)

(In Senate, April 7, 2005, **PASSED TO BE ENGROSSED**, in concurrence.)

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

The Chair laid before the Senate the following Tabled and Later (4/26/05) Assigned matter:

JOINT ORDER - Reestablishing the Task Force To Study Equal Economic Opportunities for All Regions of the State
H.P. 1114

Tabled - April 26, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 14, 2005, **READ** and **PASSED**.)

(In Senate, April 26, 2005, **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (4/26/05) Assigned matter:

Bill "An Act To Allow Electronic Calling Devices for Hunting"
S.P. 88 L.D. 268
(C "A" S-80)

Tabled - April 26, 2005, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80)**

(In Senate, April 26, 2005, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/28/05) Assigned matter:

JOINT RESOLUTION - Memorializing The President Of The United States And The Congress Of The United States To Fulfill The Intent To Fund 40% Of The Costs Of Special Education And To End Unfunded Mandates
H.P. 1115

Tabled - April 28, 2005, by Senator **GAGNON** of Kennebec

Pending - **ADOPTION**, in concurrence

(In House, April 26, 2005, **READ** and **ADOPTED**.)

(In Senate, April 28, 2005, **READ** and **ADOPTED**, in concurrence. On motion by Senator **GAGNON** of Kennebec, **RECONSIDERED**.)

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I support this measure but I couldn't let it pass without giving you a bit of information. By the passage of this last budget, the funding for IDEA went up by 75%. It went up from the \$4.7 billion to what is now a 14% increase to a 20% increase. We are getting there but we still have a long way to go. I wanted you know that we are making gains. Thank you.

ADOPTED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/28/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Encourage More Dentists To Practice in the State"
H.P. 443 L.D. 610

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-177)** (4 members)

Tabled - April 28, 2005, by Senator **PERRY** of Penobscot

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

(In House, April 26, 2005, Reports **READ** and the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

(In Senate, April 28, 2005, Reports **READ**.)

On motion by Senator **RAYE** of Washington, 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 (#92)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, COURTNEY, COWGER, DIAMOND, GAGNON, HOBBS, MAYO, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BRYANT, CLUKEY, DAVIS, DOW, HASTINGS, MARTIN, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, WESTON, WOODCOCK

EXCUSED: Senator: DAMON

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-177) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/28/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt from the Sales Tax Electricity Used by a Senior Citizen To Heat a Home"

H.P. 769 L.D. 1116

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-175)** (1 member)

Tabled - April 28, 2005, by Senator **GAGNON** of Kennebec

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

(In House, April 26, 2005, Reports **READ** and the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

(In Senate, April 28, 2005, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#93)

YEAS: Senators: BRENNAN, COWGER, GAGNON, ROTUNDO, THE PRESIDENT - BETH G. EDMONDS

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

EXCUSED: Senator: DAMON

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-175) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/28/05) Assigned matter:

Bill "An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock"

S.P. 161 L.D. 535
(C "A" S-88)

Tabled - April 28, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88)**

(In Senate, April 28, 2005, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/3/05) Assigned matter:

JOINT ORDER - Directing the Joint Standing Committee on State and Local Government To Report Out a Bill To Assist in the Establishment of the Lincoln and Sagadahoc Muticounty Jail Authority with Regard to the Spending Caps Implemented in Public Law 2005, chapter 12

H.P. 1135

Tabled - May 3, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 28, 2005, **READ** and **PASSED**.)

(In Senate, May 3, 2005, **READ**.)

PASSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/3/05) Assigned matter:

JOINT STUDY ORDER - To Establish the Commission To Study Long-term Funding for Department of Inland Fisheries and Wildlife

H.P. 1136

Tabled - May 3, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 28, 2005, **READ** and **PASSED**.)

(In Senate, May 3, 2005, **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (5/3/05) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Require That All Public School Employees Be Paid a Livable Wage Rate"

H.P. 368 L.D. 493

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-187)** (6 members)

Tabled - May 3, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, April 28, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 3, 2005, Reports **READ**.)

On motion by Senator **NASS** 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 Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President, ladies and gentlemen of the Senate. I ask that you oppose the current motion that is on the table. I really believe this legislation would have a very uneven, yet significant, impact on the school systems and school budgets across the state. In poor regions of the state, which have the most difficulty raising tax dollars, the burden on the school budget would be remarkable. Ladies and gentlemen, this would really have a significant financial impact on our local school systems and will cause our property taxes to go up. I ask you not to support this bill. Thank you very much.

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

Senator **STRIMLING:** Thank you, Madame President. I would encourage my colleagues to vote for the motion in front of them. This is a bill for us to be able to walk the walk, for us to be able to say to people in the State of Maine that we do believe in bringing up the wages of the people who are our lowest paid employees. Yes, there will be some cost, certainly at the local level, but we know that will be put back into the economy to help spur the State of Maine as we move forward. Again, I would just say that this is for us to stand forward and say we believe in paying people a livable wage, a wage on which they can support their families, and an opportunity for us to walk the walk this afternoon. Thank you very much.

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

Senator **DOW:** Thank you, Madame President. I'd like to ask a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **DOW:** Thank you, Madame President. I would like the definition of a livable wage.

THE PRESIDENT: The Senator from Lincoln, Senator Dow poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. As defined in the bill, that you can see right in front of you there, the minimum hourly wage rate required by this section is equal to 185% of the annual poverty line wage level for a family of two, as established by the United States Department of Labor, divided by 280 hours, which is as all of us know, is a full time position. There is a little more detail in here about the consumer price index. As you can see, 185% of the annual poverty line is not a lot of money. We're trying to make sure we can take care of people.

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

Senator **BARTLETT:** Thank you, Madame President. Just wanted to point out that the minority Ought to Pass as Amended report does not pass cost onto municipalities. I have been consistently opposed to any effort to put unfunded mandates onto municipalities, particularly given the current budget difficulties that they are facing. This would require the state to fund any increase in the livable wage so it is not transferred through the municipalities. Thank you.

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

Senator **SNOWE-MELLO:** Thank you, Madame President, ladies and gentlemen of the Senate. Remember that this bill will effect our rural communities that are already have been hit hard by L.D.

1. I'd be really careful where you go in this area. Those school units in the rural communities are going to have a really difficult time with this. For those school units are below the proposed minimum, the increase would dramatically affect the ability to deliver educational and support services. In one way it will increase the pay but in another way they will have to take away from necessary and critical services they need. Hourly increases in excess of \$4 per hour will undoubtedly produce financial burdens that will be impossible to meet. To me this is more or less a mandate and it's an unfunded mandate. I'd be really careful where we go here. Thank you very much.

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 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 (#94)

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

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

EXCUSED: Senator: DAMON

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

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

The Chair laid before the Senate the following Tabled and Later (5/3/05) Assigned matter:

Bill "An Act To Reduce Tobacco Use and Improve Health" (EMERGENCY)

H.P. 1140 L.D. 1617

Tabled - May 3, 2005, by Senator **GAGNON** of Kennebec

Pending - motion by Senator **PERRY** of Penobscot to **REFER** to the Committee on **TAXATION**, in concurrence

(In House, May 3, 2005, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

(In Senate, May 3, 2005, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence. Subsequently, on motion by Senator **GAGNON** of Kennebec, **RECONSIDERED**.)

Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **REFER** to the Committee on **TAXATION**, in concurrence.

On further motion by same Senator, **REFERRED** to the Committees on **TAXATION** and **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/5/05) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Encourage Cooperation between School Districts"

H.P. 328 L.D. 443

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-147)** (5 members)

Tabled - May 5, 2005, by Senator **MITCHELL** of Kennebec

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

(In House, May 3, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**.)

(In Senate, May 5, 2005, Reports **READ**.)

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I would ask that you vote against the pending motion before us and would like to explain my reasoning. We currently have a commission that is looking at increasing efficiencies for municipalities, county governments, and our school systems. Members of this commission came before us and indicated that their work was being totally consumed by the focus on municipalities and county governments and asked that this bill be supported so that its attention could be directed specifically to school systems. There was no testimony in opposition to the bill. I'm quite frankly surprised that we did not get a unanimous Ought to Pass report out of the committee. I think it warrants your consideration. I think such a commission would serve us as we try to extract efficiencies from our school systems. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues of the Senate. Frankly, it's very rare that the Senator from Cumberland, Senator Turner, and I are standing on opposite side of many education issues. However, I believe that this is yet another commission, and with all due respect to those who want to study efficiency in the schools, pretty soon we're going to need a commission to study commissions. They're going to be tripping all over themselves. I think it is important to look at the mandate of the commission that the last legislature established to promote inter-governmental cooperation, cost savings, and efficiencies. If you come from a small town, or even from a large town, you know that largest part of your budget is towards school funding. There is clearly a nexus between municipal efficiency and school efficiency. That's exactly what this task force is scheduled to do.

The second thing is that we are embarking on a brand new funding formula. Part of that has an efficiency fund. There are ample opportunities for us to look at cooperation and working together without adding yet another body that is designed to meet. This body goes on forever. It has no end. It's not a temporary thing. It's just going to be a permanent creature of state government. I would encourage you to support the Ought Not to Pass report.

On motion by Senator **DAVIS** of Piscataquis, 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 Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I think when you look at our municipal expenses we all recognize that somewhere between 60% and 80% or more of those expenses go to our school systems. I don't think it is inappropriate for us to have a commission that devotes its energies to trying to extract these efficiencies, not withstanding the fact that we have put some funding into EPS to further encourage that. I don't think we're going to have too many good ideas or too many people working on trying to extract such efficiencies. Again, I would encourage you to defeat the pending motion. Thank you very much.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#95)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COURTNEY, COWGER, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, DAVIS, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

EXCUSED: Senator: DAMON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/5/05) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Parental Responsibility When Minors Make Use of Public Libraries" H.P. 451 L.D. 618

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-215)** (3 members)

Tabled - May 5, 2005, by Senator **MITCHELL** of Kennebec

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

(In House May 3, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate May 5, 2005, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled Unassigned matter:

Bill "An Act To Reform the Taxation of Malt Liquor and Wine" S.P. 280 L.D. 841

Tabled - March 8, 2005, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, February 16, 2005, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

(In House, March 2, 2005, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 9, 2005

On motion by Senator **PERRY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

Off Record Remarks

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

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

Off Record Remarks

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