

MAINE STATE LEGISLATURE

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

In Senate Chamber
Tuesday
May 10, 2005

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

Prayer by Reverend Deacon Carol L. Huntington of the Grace
Episcopal Church of Bath.

REVEREND HUNTINGTON: I've chosen a prayer this morning
that is attributed to that great seafaring explorer, Sir Francis
Drake. He wrote this prayer in 1577. Let us pray.

Disturb us, Lord, when we are too well pleased with
ourselves, when our dreams have come true because we have
dreamed too little, when we arrived safely because we sailed too
close to the shore. Disturb us, Lord, when with the abundance of
things we possess we have lost our thirst for the waters of life.
Haven fallen in love with life, we have ceased to dream of eternity
and in our efforts to build a new earth, we have allowed our vision
of the new Heaven to dim. Disturb us, Lord, to dare more boldly,
to venture on wider seas where storms will show Your mastery;
where losing sight of land, we shall find the stars. We ask You to
push back the horizons of our hopes and to push into the future in
strength, courage, hope, and love. Amen.

Reading of the Journal of Monday, May 9, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Resolve, To Ensure Effective Implementation of Alewife
Restoration on the Sebasticook River Watershed
H.P. 1117 L.D. 1581

Committee on **INLAND FISHERIES AND WILDLIFE** suggested
and ordered printed.

Comes from the House with the Resolve and accompanying
papers **RULED NOT PROPER BEFORE THE BODY.**

On motion by Senator **GAGNON** of Kennebec, Resolve and
accompanying papers **INDEFINITELY POSTPONED.**

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Resolve, To Support Long-term Forest
Management and Sound Silviculture
H.P. 111 L.D. 133

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-253).**

Comes from the House with the Report **READ** and **ACCEPTED**
and the Resolve **PASSED TO BE ENGROSSED AS AMENDED
BY COMMITTEE AMENDMENT "A" (H-253).**

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

READ ONCE.

Committee Amendment "A" (H-253) **READ** and **ADOPTED**, in
concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY.**

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Bill "An Act To Fight Sprawl and Ensure That
Public Lands Are Equitably Distributed"
H.P. 701 L.D. 1017

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-252).**

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-252).**

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

READ ONCE.

Committee Amendment "A" (H-252) **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 Allow Dental Hygienists To
Prescribe Fluoride and Chlorhexidine"
H.P. 407 L.D. 552

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-256).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256)**.

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

READ ONCE.

Committee Amendment "A" (H-256) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Legislative Review of Any Rules Governing Private Schools"

H.P. 521 L.D. 726

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-246)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-246)**.

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

READ ONCE.

Committee Amendment "A" (H-246) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Clarify the Law Relating to Motor Vehicle Repair Posters"

H.P. 590 L.D. 831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

READ ONCE.

Committee Amendment "A" (H-249) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Recognize the Recipients of the Korea Defense Service Medal"
H.P. 791 L.D. 1148

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-248)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**.

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

READ ONCE.

Committee Amendment "A" (H-248) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create the Fryeburg Water District"

H.P. 766 L.D. 1113

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

READ ONCE.

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Veterinarians To Provide Vaccine Disclosure Forms"
H.P. 314 L.D. 429

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

Signed:

Senators:

NUTTING of Androscoggin
RAYE of Washington

Representatives:

PIOTTI of Unity
CARR of Lincoln
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
SHERMAN of Hodgdon
PINEAU of Jay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-254)**.

Signed:

Representative:

TWOMEY of Biddeford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Establish a North Woods Park Feasibility Study

H.P. 742 L.D. 1089

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

Signed:

Senators:

NUTTING of Androscoggin
RAYE of Washington

Representatives:

PIOTTI of Unity
CARR of Lincoln
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
SHERMAN of Hodgdon
PINEAU of Jay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-255)**.

Signed:

Representative:

TWOMEY of Biddeford

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

Reports **READ**.

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

Divided Report

6 members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require the Use of Reflective Material on Ice Fishing Shacks"

H.P. 575 L.D. 810

Reported in Report "A" the same **Ought to Pass as Amended by Committee Amendment "A" (H-231)**.

Signed:

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
WHEELER of Kittery
CEBRA of Naples
MOODY of Manchester
JACKSON of Fort Kent

6 members of the same Committee on the same subject reported in Report "B" the same **Ought Not To Pass**.

Signed:

Senators:

BRYANT of Oxford
WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro
RICHARDSON of Greenville
RICHARDSON of Carmel
BRYANT of Windham

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED, READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)**.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** Report "B", **OUGHT NOT TO PASS**, 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 PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise to speak briefly to this bill because it was sponsored as a result of a tragic accident that occurred in my Senate district where one of my constituents lost his life when traveling across a lake in the nighttime hours, on a snowmobile, struck a ice fishing shack and was killed. This was brought forth by his family, requesting that we require ice fishing shack to have reflective material so that they would be visible at night. Given the fact that many of us who live in rural Maine are familiar with the use of snowmobiles on our lakes and the fact that many of our lakes are populated with these ice fishing shacks, which are a part of our landscape, we know that this could happen again to another family. I intend to vote against the pending motion and support of the underlying bill. Thank you.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I would just comment that when the bill was brought before us it was first entitled to take care of tidal water. It was really out of our jurisdiction, but we did look at the issue. Although these things happen, a number of members of the committee felt that if you are on snowmobile trails that's one thing, but when you move out into the areas of open fields or unrestricted driving, then you need to be under control. The other piece that the committee looked at was the reflectors. If you are doing 80 or 90 miles an hour on a snowmachine, the reflector in the middle of the night is not going to save you. You have to operate at prudent speeds and take prudent precautions when you move off the snowmobile trails. That's where some of the committee felt this bill was. Although we feel deeply for the family members, we felt that this was prudent. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#96)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BRYANT, CLUKEY, COWGER, DAVIS, DIAMOND, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, DOW, PLOWMAN, RAYE, SNOWE-MELLO

ABSENT: Senators: BROMLEY, HOBBS, SULLIVAN

EXCUSED: Senator: DAMON

26 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator **BRYANT** of Oxford to **ACCEPT** Report "B", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Reduce Dependence on Fossil Fuels by Advancing Biodiesel Use"

H.P. 148 L.D. 197

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

Signed:

Senators:
SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:
BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-266)**.

Signed:

Representative:
SCHATZ of Blue Hill

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County
H.P. 325 L.D. 440

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

Signed:

Senators:
SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:
BARSTOW of Gorham
MOULTON of York
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town

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

Signed:

Representatives:
McFADDEN of Dennysville
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
MUSE of Fryeburg
SCHATZ of Blue Hill

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Funding for the New Century Community Program"
H.P. 397 L.D. 521

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

Signed:

Senators:
SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:
BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-267)**.

Signed:

Representatives:
HARLOW of Portland
BISHOP of Boothbay
SCHATZ of Blue Hill

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Promote Safe Routes to School"
H.P. 592 L.D. 833

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

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-250).**

Signed:

Representatives:

MARLEY of Portland
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.

Senate

Ought to Pass As Amended

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act To Ensure Compliance with the Federal Indian Child Welfare Act"

S.P. 139 L.D. 415

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-138).**

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

READ ONCE.

Committee Amendment "A" (S-138) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act To Improve Landowners' Access to Their Land"

S.P. 355 L.D. 1038

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-145).**

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

READ ONCE.

Committee Amendment "A" (S-145) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require the Department of Agriculture, Food and Rural Resources Accurately Identify Harmful and Nonharmful Bacteria When Testing Food Products"

S.P. 209 L.D. 654

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-142).**

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

PIOTTI of Unity
CARR of Lincoln
JENNINGS of Leeds
MAREAN of Hollis

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

Signed:

Representatives:

LUNDEEN of Mars Hill
FLOOD of Winthrop
TWOMEY of Biddeford
SHERMAN of Hodgdon

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-142) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Establish the Homeland Security Relief Fund"

S.P. 387 L.D. 1125

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-140)**.

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

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Plumbers' Examining Board To Adopt the International Plumbing Code

S.P. 373 L.D. 1056

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-131)**.

Signed:

Senators:

HOBBS of York
DOW of Lincoln

Representatives:

ROBINSON of Raymond
BERUBE of Lisbon
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
CROSBY of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-132)**.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SMITH of Monmouth
O'BRIEN of Lewiston
AUSTIN of Gray
RECTOR of Thomaston
FARRINGTON of Gorham

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-132)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-132)** Report.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish"

S.P. 395 L.D. 1131

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-143)**.

Signed:

Senators:

BRYANT of Oxford
WOODCOCK of Franklin

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
WHEELER of Kittery
CEBRA of Naples
MOODY of Manchester
TRAHAN of Waldoboro
RICHARDSON of Greenville
RICHARDSON of Carmel
BRYANT of Windham

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

Signed:

Representative:

JACKSON of Fort Kent

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I bring to you today one of the bills that the committee has worked on over the course of the last two months. A lot of work went into this bill. This bill, basically, establishes the Eastern Brook Trout as a Maine heritage fish. What we are talking about is ponds in the state that, to our knowledge, have not been stocked by the Inland Fisheries and Wildlife. There are 295 of them. There are more ponds that have been stocked a number of times, but are less significant and we'll deal with them later. What this bill does is allow us to start looking at those lakes and put some protection around them. One of the other pieces of this bill that has drawn some concern is actually the live bait piece. We are looking at allowing no live bait to be used on these lakes when fishing. I think it is prudent. We have special gem here. If we pay attention to it, in future years it will pay big dividends to the State of Maine. I would encourage you to vote with the Ought to Pass as Amended by Committee Amendment "A" (S-143).

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

READ ONCE.

Committee Amendment "A" (S-143) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide an Exemption from Discrimination Laws to Fitness Centers"

S.P. 92 L.D. 272

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

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-137)**.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

CARR of Lincoln
BRYANT-DESCHENES of Turner

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Relating to Unlawful Housing Discrimination"

S.P. 99 L.D. 321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-136)**.

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFISKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
BRYANT-DESCHENES of Turner
NASS of Acton

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

Signed:

Representative:

CARR of Lincoln

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-136) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Protect Young Drivers"

S.P. 393 L.D. 1129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-144).**

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

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

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

Signed:

Representative:

COLLINS of Wells

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-144) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Restore Support for HIV and AIDS Treatment and Prevention"

H.P. 421 L.D. 588

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

Resolve, To Name the New Augusta Bridge

H.P. 877 L.D. 1280

Bill "An Act To Amend the Laws Governing the Rural Medical Access Program"

H.P. 1035 L.D. 1472

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

House As Amended

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
(C "A" H-236)

Bill "An Act To Enhance Community Involvement Regarding Methadone Clinics"

H.P. 24 L.D. 21
(C "A" H-235)

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 10, 2005

Bill "An Act To Authorize Certain Campers To Carry Asthma Inhalers and Epinephrine Pens on Their Persons"
H.P. 48 L.D. 52
(C "A" H-237)

Bill "An Act To Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities"
H.P. 51 L.D. 55
(C "A" H-238)

Bill "An Act To Prohibit Firearms in a Courthouse"
(EMERGENCY)
H.P. 117 L.D. 166
(C "A" H-217)

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
(C "A" H-206)

Bill "An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services"
H.P. 147 L.D. 196
(C "A" H-239)

Resolve, To Create a Hospital Program for Young Women with Eating Disorders
H.P. 178 L.D. 239
(C "A" H-240)

Bill "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights"
H.P. 182 L.D. 243
(C "A" H-220)

Bill "An Act To Grant Limited Reciprocity to Nonresident ATV Users"
H.P. 316 L.D. 431
(C "A" H-224)

Bill "An Act To Ensure Insurance Coverage for Medically Necessary Breast Reduction and Symptomatic Varicose Vein Surgery"
H.P. 429 L.D. 596
(C "A" H-212)

Bill "An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted"
H.P. 457 L.D. 624
(C "A" H-216)

Bill "An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters"
H.P. 536 L.D. 759
(C "A" H-225)

Bill "An Act To Support the New Century Community Program"
H.P. 543 L.D. 766
(C "A" H-227)

Bill "An Act To Improve the Affordability of Health Insurance"
H.P. 544 L.D. 767
(C "A" H-211)

Bill "An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund"
H.P. 552 L.D. 775
(C "A" H-228)

Bill "An Act To Establish Consumer Protections and Regulations for Deferred Deposit Loans"
H.P. 565 L.D. 788
(C "A" H-241)

Bill "An Act To Provide Funding for 'Camp To Belong' To Reunite Siblings Separated by Foster Care"
H.P. 573 L.D. 808
(C "A" H-229)

Bill "An Act Allowing School Unions To Improve Efficiency"
H.P. 607 L.D. 856
(C "A" H-234)

Bill "An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime"
H.P. 623 L.D. 873
(C "A" H-226)

Bill "An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules"
H.P. 676 L.D. 966
(C "A" H-210)

Bill "An Act To Prohibit Passing in Designated No-passing Zones"
H.P. 735 L.D. 1082
(C "A" H-209)

Bill "An Act To Make Technical and Minor Changes in the Capitol Planning Commission"
H.P. 749 L.D. 1096
(C "A" H-219)

Bill "An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources"
H.P. 852 L.D. 1234
(C "A" H-218)

Resolve, To Establish the Study Commission Regarding Liveable Wages (EMERGENCY)
H.P. 854 L.D. 1236
(C "A" H-232)

Bill "An Act To Assist Families and Children by Increasing Access to the Court System" (EMERGENCY)
H.P. 890 L.D. 1293
(C "A" H-196)

Bill "An Act Concerning Invasive Species and Water Quality Standards"
H.P. 901 L.D. 1304
(C "A" H-245)

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 10, 2005

Bill "An Act To Amend the Laws Regarding Certain Employment-related Matters"

H.P. 983 L.D. 1419
(C "A" H-233)

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

Bill "An Act To Encourage More Dentists To Practice in the State"

H.P. 443 L.D. 610
(C "A" H-177)

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
(C "A" H-175)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act To Extend the Kim Wallace Adaptive Equipment Loan Program" (EMERGENCY)

S.P. 447 L.D. 1267

Bill "An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits"

S.P. 473 L.D. 1375

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Restrict Undocumented Mortgage Agreements"

S.P. 65 L.D. 159
(C "A" S-129)

Bill "An Act To Change the Definition of 'Academic Medical Center'"

S.P. 103 L.D. 341
(C "A" S-135)

Bill "An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals"

S.P. 130 L.D. 406
(C "A" S-134)

Bill "An Act To Reauthorize the Petroleum Market Share Act" (EMERGENCY)

S.P. 194 L.D. 585
(C "A" S-128)

Bill "An Act To Clarify Reporting Responsibilities to Licensing Boards"

S.P. 234 L.D. 697
(C "A" S-130)

Bill "An Act To Protect Motherhood"

S.P. 292 L.D. 884
(C "A" S-139)

Bill "An Act To Amend the Education Laws Regarding Equivalent Instruction, Medical Screening and Adult Education"

S.P. 295 L.D. 887
(C "A" S-133)

Resolve, To Study the Insured Value Factor in School Tuition

S.P. 329 L.D. 989
(C "A" S-126)

Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor

S.P. 500 L.D. 1458
(C "A" S-127)

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:

Emergency Measure

An Act To Amend Provisions of the Maine Land Use Regulation Commission Law

H.P. 93 L.D. 117
(C "A" H-156)

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

Emergency Measure

An Act To Amend the Law Regarding Fishing Derbies

H.P. 420 L.D. 565
(C "A" H-137)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Efficiently Use Funds of the Public Utilities Commission
H.P. 611 L.D. 860
(C "A" H-141)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06
H.P. 947 L.D. 1364
(C "A" H-172)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects
H.P. 1126 L.D. 1590

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, To Ensure the Collection and Report of Outsourcing Data
H.P. 346 L.D. 471
(C "A" H-133)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment
H.P. 170 L.D. 231
(C "A" H-157)

An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability
H.P. 184 L.D. 245
(C "A" H-135)

An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills
S.P. 91 L.D. 271
(C "A" S-87)

An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements
H.P. 214 L.D. 289
(C "A" H-139)

An Act To Prohibit Steering in Automobile Insurance
H.P. 235 L.D. 311
(C "A" H-136)

An Act To Amend Group Insurance Funding Requirements
S.P. 108 L.D. 346
(C "A" S-83)

An Act To Amend the Mexico Water District Charter
H.P. 268 L.D. 355
(C "A" H-140)

An Act To Amend the Laws Regarding Submission of Health Insurance Claims
S.P. 140 L.D. 416
(C "A" S-85)

An Act To Amend the Mexico Sewer District Charter
H.P. 337 L.D. 459
(C "A" H-138)

An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled
S.P. 154 L.D. 528
(C "A" S-95)

An Act To Allow for Equitable Recovery of Wages for Employees Who Are Not Paid in Full
H.P. 479 L.D. 659
(C "A" H-158)

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 10, 2005

An Act To Amend the Knox County Budget Process
H.P. 522 L.D. 727
(C "A" H-148)

An Act To Reauthorize Funding for the Lobster Promotion Council
S.P. 260 L.D. 793
(C "A" S-86)

An Act To Facilitate Testimony in Workers' Compensation Proceedings

H.P. 574 L.D. 809
(C "A" H-146)

An Act To Amend the Laws Governing Aquaculture
H.P. 595 L.D. 836
(C "A" H-159)

An Act To Prohibit Shooting Wild Turkey Decoys
S.P. 317 L.D. 942
(C "A" S-93)

An Act To Set Standards for Electronic Methods Used for Wage Payment

H.P. 673 L.D. 963
(C "A" H-160)

An Act To Establish and Implement the Maine STEP-UP Program
S.P. 374 L.D. 1057

An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects

H.P. 835 L.D. 1217

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

An Act To Allow the Use of Crossbows for Hunting
H.P. 63 L.D. 67
(C "A" H-152)

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

An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor

H.P. 187 L.D. 248

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

An Act Concerning Recognition of Qualified Political Parties
H.P. 252 L.D. 329
(C "A" H-161)

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

An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"
H.P. 492 L.D. 672
(C "A" H-174)

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

An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries

H.P. 511 L.D. 716
(C "A" H-176)

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

An Act To Improve Security at State Courthouses
H.P. 696 L.D. 1012
(C "A" H-173)

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

An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan
H.P. 733 L.D. 1080
(C "A" H-149)

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

An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax

H.P. 743 L.D. 1090
(C "A" H-171)

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

Resolves

Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals

H.P. 432 L.D. 599
(C "A" H-162)

Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data

S.P. 308 L.D. 900
(C "A" S-91)

Resolve, Directing the Advisory Council on Tax-deferred Arrangements To Study Deferred Retirement Option Programs

H.P. 688 L.D. 978
(C "A" H-145)

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish a Cost-sharing Formula for the Five Town Community School District" (EMERGENCY)
H.P. 1177 L.D. 1668

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State (EMERGENCY)

H.P. 1178 L.D. 1669

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

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

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

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve Access to Public Lands"

S.P. 49 L.D. 143

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-146)**.

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

READ ONCE.

Committee Amendment "A" (S-146) **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 DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Authorize the Commissioner of Marine Resources To Regulate the Use of Alternative Bait in Marine Fisheries"

S.P. 153 L.D. 527

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council"

S.P. 412 L.D. 1184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

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

READ ONCE.

Committee Amendment "A" (S-147) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 262

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY
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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 781 Resolve, To Create Sebago Lake Village State Park

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. John F. Piotti
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. 263

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

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

L.D. 729 An Act To Clarify the City of Portland's Interest in the Maine State Pier

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act Regarding the Appointment of the Director of Investigations in the Office of the Attorney General"

H.P. 517 L.D. 722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**.

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

READ ONCE.

Committee Amendment "A" (H-277) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Law on Mercury-added Products"

H.P. 136 L.D. 185

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)**.

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

READ ONCE.

Committee Amendment "A" (H-271) **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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Speech-language Pathology Aides" (EMERGENCY)

H.P. 874 L.D. 1277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**.

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

READ ONCE.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates"

H.P. 915 L.D. 1317

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-273)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)**.

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

READ ONCE.

Committee Amendment "A" (H-273) **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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Reestablish the Penobscot County Budget Committee" (EMERGENCY)

H.P. 274 L.D. 361
(C "A" H-126)

In Senate, April 26, 2005, **PASSED TO BE ENGROSSED BY COMMITTEE AMENDMENT "A" (H-126)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126) and HOUSE AMENDMENT "A" (H-280)**, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Reduce the Size of State Government by 5%"

H.P. 483 L.D. 663

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 as Amended by Committee Amendment "A" (H-197)**.

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 NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing De Minimis Infractions of the Maine Criminal Code"

H.P. 499 L.D. 704

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

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFISKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
CARR of Lincoln
BRYANT-DESCHENES of Turner
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-278).**

Signed:

Representative:
SHERMAN of Hodgdon

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors"
H.P. 903 L.D. 1306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-257).**

Signed:

Senators:
BROMLEY of Cumberland
HOBBS of York
DOW of Lincoln

Representatives:
SMITH of Monmouth
O'BRIEN of Lewiston
ROBINSON of Raymond
RECTOR of Thomaston
FARRINGTON of Gorham
BEAUDETTE of Biddeford

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

Signed:

Representatives:
AUSTIN of Gray
BERUBE of Lisbon
JACOBSEN of Waterboro
CROSBY of Topsham

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

Reports **READ**.

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend the Number of Days Nonprofit Organizations Are Allowed To Operate Games of Chance" (EMERGENCY)
S.P. 173 L.D. 547

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MILLS for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurers To Cover the Costs of Hearing Aids"
S.P. 145 L.D. 447

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Create a Protected Zone around the Voting Place"

S.P. 121 L.D. 374

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

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

READ ONCE.

Committee Amendment "A" (S-150) **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

House

Refer Pursuant to Joint Order

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments"

H.P. 1175 L.D. 1666

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Joint Order, H.P. 1113.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Lincoln and Sagadahoc Counties an Exemption from the Limitation on County Assessments" (EMERGENCY)
H.P. 1176 L.D. 1667

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Joint Order, H.P. 1135.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent 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)

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

In Senate, May 9, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **MITCHELL** of Kennebec, the Senate **ADHERED**.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Reduce the Size of State Government by 5%"

H.P. 483 L.D. 663

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-197)** (5 members)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

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 10, 2005, Reports **READ**.)

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. This is a proposal to reduce the size of state government, and therefore its cost, by 5%. The so-called meat axe, although it would carve out a relatively small piece. It was part of our discussion, our being the minority, when we did the Part 1 budget. There seems to be great interest out there in the Republican plan for dealing with the \$410 or \$447 million of borrowing that is in the budget. This will be, and has been, well advertised as being part of the Republican plan. Madame President, today we are solving some of the mystery. This is part of the Republican plan. It is worth about \$183 million, about \$90 plus million a year. It exempts General Purpose Aid to Education. General Purpose Aid to Education is not included in this 5%. It exempts debt service, a commitment which we obviously have to pay and make. Those two things are exempted. It's still worth \$183 million, about half of the borrowing in the current Part 1 budget. I urge that you vote against the Ought Not to Pass and let us get on with reducing spending. We all know we need to get there. Now is the time to start it, Madame President. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President. I wish to pose a question through the Chair for anyone who cares to answer.

THE PRESIDENT: The Senator may pose her question.

Senator **ROTUNDO:** Thank you, Madame President. Where specifically in the state's departments and agencies will this \$183 million be cut from?

THE PRESIDENT: The Senator from Androscoggin, Senator Rotundo poses a question through the Chair to anyone who may

wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I'm on my third round on the Appropriations Committee, which I very much appreciate. It has become apparent to me that we neither have the time or the skill on these across the board things to designate specifically what we're going to cut. We have, however, a large cadre of very highly bureaucrats in this state. They know that 5% is a minimal reduction. We need to reduce spending, Madame President. The answer to the question is not here. We don't, should not, have to designate where the 5% is going to come from. They can, in that building. They know the departments better. They know what programs are working and what programs are not working. I say let them do it. We pay them enough. That's what happens in the private sector. Easy. Easy to get there. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I believe when proposals such as this are made that it is only responsible to specify where cuts would be made. It's so easy to pass the buck. I'm tired of it and I'm still waiting for a plan that was just discussed. I'm still waiting for that plan. I'm looking forward to hearing from the other side of the aisle, specifically as to where these cuts would come from. Our budget specified where cuts would come from and how we would come up with money. I'm waiting for the Republican plan. I am eager to hear it. Thank you, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I always enjoy these across the board suggestions because they can't work. They are impossible to work. What is even more interesting to me this morning is to hear the good Senator from York, Senator Nass, suggest that bureaucrats do the budget. If that's the case, do we need the legislature? Is the legislature the problem? I thought that the voters of Maine had chosen this legislature, and those in the past and those in the future, to do the budget for the people of Maine, not a group of faceless individuals who do not report to the voters. They report to bureaucrats and they report to department heads. I've been here more years than some would want me here, but the one thing I've learned through this process is that we have a responsibility to put a budget together. Not someone in the other building. Not that I played a role, but my leadership has requested that members of the minority propose a budget, as I remember, by Friday. I'm looking forward to that budget because I want to see where the cuts are. Nursing homes? That is the largest single expenditure in the Department of Human Services. Parks? That is another part of the budget. I could go on and on. I'm looking forward to the individual cuts as they come forth. BETR? If it's not education, because let's not forget that education represents, along with the Department of Human Services, roughly 80% of the total expenditure of state government in this budget the we just enacted by majority vote. I'm looking forward to how we're going to make those cuts. I want

to see them, frankly. I might vote for some of them. Members of the minority and members of the Appropriations Committee didn't vote for the cuts I proposed any more than my Democratic friends did. I'm looking forward to those recommendations on Friday.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Actually I'm going to ask for a roll call when I'm finished, which was the only thing I was going to say, but I just have to raise a statement. When we are elected to serve and we come here, it is the Chief Executive that does the budget. We take that budget, through our committee work, but we do not start from scratch. It is not something that we create from the beginning. Each of the departments works for the Chief Executive. They present their budget, work it out, present it to us and we work through it. I just wanted to set the record straight, but it doesn't begin here.

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

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. When we're talking about specific cuts, I order specific cuts in my own business at times. I give it to the people who work for me. I rely on them to go out and make the cuts without micro-managing them. We, as a body, are no different than a school board either. We put out the guidelines and expect that the people that work for this state carry out these guidelines.

I had an interesting experience on the way to work this morning. I came across a road crew working. It was a small project. There were three people holding signs and doing what they were supposed to do. There were two people driving machinery and doing what they were supposed to do. There were eight people standing around watching. A couple of those had trucks that were going to be loaded up, so we can exclude those from the ones that were standing around. I would allow that there ought to be one supervisor there, but that still leaves five others left standing around doing nothing. Is it my job to stop, take names, start asking questions and micro-manage their job to find out where we can save some money? The answer is no. The job comes from the heads of the departments. That trickles down to the heads of the smaller departments and so forth. This is how we control spending. I'm not going to be able to go through the entire budget and come up with a line item suggestion of cuts that ought to be cut on everything there is. Our job, I feel, is to give the directive and let the people that work for the government do this. It's interesting to note, in the reorganized country of New Zealand the department heads definition was changed. I might add this was just for hiring practices. This was not at the whim of the party in control, because their job was guaranteed regardless of whom was in power if they were doing their job of maintaining an efficient government. They were actually given bonuses to find cuts in areas where savings could be made. I read that article with great interest and would applaud that. One of the gentlemen was a

department head in charge of 28,000 workers. When they reorganized their department, he was the only one left. 27,999 were pushed out of government jobs and into private jobs where they put the work into private institutions instead of having the government do it. I would hope that we would run that government, not necessarily the New Zealand way, but as a more responsible business way. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. It's been a while, it's taken me a while to understand this budget thing and I'm not sure I still understand it, but I'm still not sure I understand my checking account and how I can have so many checks left and not much money in the account. I do know that each of us has been assigned at least one committee. The prime job is not the time we sit here debating, it's what we do in that committee. Seventeen of us go through that budget, line by line, to appease the committee of jurisdiction. We question, sometimes not so pleasantly. We argue amongst ourselves. We come back and go to plead our case to the Appropriations Committee. I know that in two committees of jurisdiction, Marine Resources of which I am a member and Insurance and Financial Services which I chair, we went through those and made plans back and forth. We went to the Appropriations Committee, and in one case, we were unanimous that this could not happen in our budget. It was not right and it came off. That's where our job was. That is where the budget started. Not in the majority. Not in the minority. It starts in our committees. We worked these are committee people. We are the people that were supposed to be the experts on just that one little part of the budget. Unfortunately, some of that is turf war because you want your committee to get everything you need because it's really needed. Your committee and your committee and your committee all want everything.

I also remember that last year we passed, albeit slowly, OPEGA. OPEGA was supposed to take care of some of these issues. We were going to do an in-depth investigation to find all the facts. I have the good experience two years ago to go to the Harvard School of Business for one of their executive, local, and elected officials. The definition of leadership that they gave is that a good leader delivers the bad news at a rate that their people can understand. I thought about it. At first I thought it was sort of hokey. At first it doesn't make a lot of sense. When you go home, you'll start thinking about it. You see, we do deliver bad news to our constituents. A bill didn't pass, we didn't get all the money we wanted, or whatever. I maintain that this, and I agree with my colleagues, our job is to take that budget that the Chief Executive hands us, craft it, and massage it the way we need to. You should have done that in your committees. That was our job. We also should make sure we've filled out those forms for OPEGA and that you let them know where all the fat is. We owe them that. If there is so much fat, don't keep it a secret. Let us know. In the meantime, we need to move on and an across the board cut doesn't make sense. If I want to continue on with my checking account and my bills, I don't say, 'Well, I think I'll just cut fuel oil by 5% this year.' I couldn't. I couldn't cut fuel oil this year. In fact my husband delivered the good news last night, \$300 and something to fill our tank up. You can't just make across the board cuts. You may have people in those nursing homes, you personally, and that cut doesn't look so good when it's your

family. Let's be real. Let's do what we are supposed to. Let's work in the committees the way we're supposed to. Let's let OPEGA do the work and let's move on and do the people's work. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I was excited there for a few minutes early on because I thought we were going to be seeing a budget from the minority, but apparently not. It seems that while we have these grandiose plans to cut budgets by 5% across the board, there are those who would like to allow others to take on our responsibilities, our constitutional duties, and allow some faceless bureaucrat in the other building to do our jobs. It's been suggested that we ought to let New Zealand do that. It's been suggested that just the Chief Executive has the authority to do that. I understand it's also been suggested that we allow, basically, the entire budget, or pieces of the budget, go out to the people in what some have referred to as a politician's veto and let the people vote on individual items in the budget. We have the responsibility to govern. We have the responsibility to pull budgets together.

Let's understand what has happened here. The Chief Executive did provide us with a budget. We reacted to that budget. The Appropriations Committee spent hours and hours and hours making adjustments, and in a bi-partisan fashion, accepted many portions of the budget. Then the other side decided to leave the table when we couldn't get to those final remaining issues, and not proposing an alternative, but deciding just to oppose. We have yet to see what their alternative is. We haven't seen it in our committees and we can only speculate what it might be based on some glimpses we've gotten from other organizations. We're told that is not what leadership has proposed. We get other glimpses that maybe it's a few road crewmembers in the Transportation Department. I'm wondering if, potentially, it's just 5% across the board, which means that we're looking at a 5% cut in education spending. You have to keep in mind that the bulk of the money that comes into the state runs right through the state and goes to municipalities. So we talking about a 5% cut in education. A 5% cut in revenue sharing. A 5% cut in aid to the roads to our communities. A 5% cut to our local economic development efforts. What we are asked to do is ignore what's in front of us today, and the hard work that people have done, and take door number two. I'm not quite sure what's behind door number two. Carol Merrill isn't going to show us what's behind door number two just yet. We just have to punt and leave it to somebody else to decide where those cuts are going to come from because it is either undetermined or it's a secret. I'm not quite sure which it is yet.

There are parts of this budget, as there is with every budget, that I wasn't comfortable with and many of us were not comfortable with. The beauty of budgets is that there is always another budget coming. There is always a supplemental. There is always Part 2. There is always the next biennial budget. So anything that we can correct in future budgets in this budget, we will do. We're always looking for ways to improve. I suspect that this future budget will have some things in it that will improve the budget we're under right now and there will be some things in that budget that we don't like either. Clearly we're open to the idea. We'd like to see the Appropriations Committee, through their

leadership and through their work together, which I think has, by and large, been harmonious, to continue working on improvements to the current situation and to the future situation. You know to pass this proposal at this time just throws everybody in disarray. What does it mean? The unknown is out there. Schools won't know what they are doing. Municipal budgets won't know what they are doing. Local businesses won't know what they are up against. One of the things that I have learned from the business community is the biggest fear is the unknown. They have business plans. They like to move forward. They don't like the mystery and the changes that occur here. We try to remain consistent. I have supported many of the economic development programs, against my better nature at times, because I think we do need that consistency. The BETR money is there. Those paper mills can make their investments, understanding that there is going to be that money coming in. If we pass this bill, might we move BETR to 95%? That's essentially what we are talking about here, 5% cuts. Now these businesses are thinking, 'Gee, what is going on in state government? They flex, they move, they jockey, they jump back and forth. We don't know what's going on.' We've passed the budget. We can move forward. If we're looking for improvements, let's do it where the improvements can be made. Let's do it where those lines can be looked at individually and with the appropriate people in the room in the Appropriations Committee. Thank you, Madame President.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I don't know what the purpose is of some of this debate, frankly. The majority apparently believes that if they keep saying that there is no plan long enough people are actually going to believe that. That does work sometimes. Maybe it will work for the majority in this case, Madame President. This is not about nursing homes, not about parks. This is 5%. Let me say it over and over again. We said it in the debate about the budget. I'll say it again. We have exempted, in the amendment, General Purpose Aid to Education. Education is not in this. Education will not be reduced by 5%. Debt service will not be reduced by 5% under this proposal. Debt service will not be affected. I hope I don't need to say that any more, Madame President.

Let me offer one thing. Vacant positions, there are 500 vacant positions in this budget. At \$60,000 each, that's \$30 million a year and \$60 million in this budget. Let's not talk about nursing homes or parks, let's talk about vacant positions. That's pretty specific. That's across the board. That could be part of the 5%. The budget has gone up over 7%. Not if you listen to our Chief Executive, but the reality is that it's gone up over 7%. All we want is 5 of that back. Vacant positions, not nursing home, not parks, not GPA, not debt service. The problem, Madame President, is that we have not met our responsibilities to control spending. This budget has \$447 million of borrowing to keep the lights on. That's the problem. This will help resolve that. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. First let me just respond to the good Senator from

Lincoln, Senator Dow. If that had been me this morning, and that were, in fact, employees of the Department of Transportation to which he was referring to, I would have called the commissioner. If there is a problem, the problem, in my opinion, always begins at the top. If there is an issue, it should be reported. That's part of our role, to protect the voter's rights at the same time. I can assure you that I've done it over the years and will continue to do it.

Let me just quickly point out a couple of things. In reference to the budget, the budget is prepared by the departments and referred to the Chief Executive in August. Subsequently, the Chief Executive usually cuts, and this is true of whatever party the Chief Executive happens to be, 20% or 30% from the requests of various departments. Subsequently, the Chief Executive says, 'This is what I'm going with.' It goes to the legislature and then to the Appropriations Committee. I've never seen, in my career, the legislature enact the Chief Executive's budget. Never. It is always the legislature because, frankly, under the system the Chief Executive proposes, the legislature disposes. Nothing has ever changed and nothing probably ever will.

When we look at where we are today, and I want you to look at the amendment that is now on the bill, the good Senator from York, Senator Nass, is correct. It's 5% across the board. That sounds great, but excluding debt services and education. What portion of the budget is education? What portion of the budget is debt service? Combine those two figures and I'd be willing to bet you're talking 25% to 30%. I suspect it's probably more. I haven't had time to compute it. Education is about \$1.1 billion or so. Take a look at that. It's 5% of the remainder. Are we talking 20% of the rest of state government? That's what it says. That's what this amendment does. It sounds great to say 5% of the budget, but the minute you take things off the table it's never 5% of what's left. If that is what we're talking about, then it isn't any \$180 million. You can't eat it both ways.

I just want to conclude with two thoughts. The budget that was passed, even though it was passed by majority, whether Republicans liked it or Democrats liked it, it is now the legislative budget. We now own it. That is the structure under which we operate. Let me put it in another way. If I were a member of the minority, and I've been there, I would want to put forth to the voters of Maine what my plan is if I were to be in control. I'd want to show them my budget, what I would do for the people of Maine, if I were elected. If, in my opinion, the minority wishes to become the majority, they need to show the people of Maine what their plan is.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to comment to the good Senator from Aroostook, Senator Martin, we're trying to be the majority. We have been for a long time. We're still trying. I appreciate his experience in this process. It far outnumbers my years. I appreciate the work of the Appropriations Committee and everybody on Appropriations. There is nothing like a good partisan discussion when you're hungry.

Madame President, I heard a reference to door number two today from the good Senator from Kennebec, Senator Gagnon, who likes to make these references. I would assure him that this is 'Let's Make a No Deal'. Behind doors one and three you will find the same thing that you find behind door number two. Today,

according to our latest figures, we are \$14 million behind the budget. We are, however, \$114 million ahead of the revenues of the last biennium. We understand what's behind doors number one, two, and three.

I heard a reference today that local businesses, schools, and I would add, even towns want to know what they are up against. I would say, Madame President, from my perception, these entities know what they are up against. The budgeting process is a complicated and arduous process. I have not had the privilege of serving on Appropriations. I will not pretend to be an Appropriations member today. What I would offer is this, it seems to me, from one person's perception, that we have worked through many issues in the last four years far more quickly than was necessary. It's one person's perception that we needed to have available to us the opportunity for negotiation. It seems to me, from one person's perception, that we needed more time. I'm aware of deadlines. We all are. The question remains. Did we take enough time? Today I offer to you, Madame President and members of this chamber, we have a budget. We will have another budget shortly. I'm not sure if it will be before Friday. Do we have a budget that was negotiated in earnest? Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President. I just wanted to go on the record with one correction. It was suggested that we ought to cut 5% across the board like private industry does. When I was in private industry that was not the way we cut. In fact, when I worked for Hannaford Brothers, one of Maine's major corporations, and we had to go through a budget cutting exercise, my department was getting more than 5%. I was complaining about that. I said, 'Why don't we just across the board, cut everybody the same?' The answer, from the very wise president, was because that would reward the bloated budgets. It wouldn't reward the lean and efficient departments. I know there is nobody here in this body that would want to do that. Just on the basis of sound budgeting, like private industry does it, I would object to this particular proposal. Thank you.

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

Senator **DOW:** Thank you, Madame President. I appreciate the 5% and I would agree with you somewhat. I'd point out that at least they made cuts. It has been mentioned that the greatest fear we have is the fear of the unknown. I say the greatest fear is what we do know. The people of the State of Maine already know that Maine continues to be one of the highest taxed states in the country. The Tax Foundation has ranked Maine number one for the ninth straight year and Maine is also ranked number one by CNN Money Magazine. Maine taxes take 13% of our income per \$1,000. Almost double the 7.4% of New Hampshire. Maine's income tax is the fifth highest in America. Our top rate of 8.5% starts at a much lower level than many other states do also. Maine people pay \$1.6 billion in property taxes every year, the highest in America. As a percent of income, \$1,233 for every man, woman, and child in Maine. Maine has one of the highest gasoline taxes in America. For the ten gallons of gas you put in your car this morning, \$2.20 went to taxes. We continue to have one of the worst business climates in America. One of the main

reasons is the high tax rate. New Hampshire is rated the fifth best in America. We work 113 days to pay Maine and Federal taxes, almost 1/3 of the year. We spend about 40% more for taxes than we spend on our homes. Our government, and not our home, is our biggest investment. People in the State of Maine are getting that money for us. Should we do something to improve their situation? I say it is time to do something to improve their situation and start getting our spending under control.

We do have budgets that we pass year after year, but the next budget doesn't correct the last one because we just moved from the second highest taxed state in the country to the highest taxed state per \$1,000 of income. That's a number one I'm not proud of and it's a number one that is a burden to businesses in this state. It allows many businesses to reconsider whether they are going to stay in the state or the many businesses that are moving around to reconsider whether they want to come into the state. I will continue to support measures that reduce the overall tax burden for the State of Maine. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I'm all for improving our government. I just want to know what the plan is. I just want to know how the proposals are going to come forward to do that, to achieve that. I believe that my constituents and I believe that people of the State of Maine want to know what the plan is. Let's get back on track. Let's tell the people how that's going to be achieved. Let's get the plan on the table and then let's move forward and decide if that is really the way to improve the state. Thank you, Madame President.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. There are a number of things that get tossed around during these types of philosophical discussions. I spent a little time in the Taxation Committee and I was always prickliest when people would use the term number one taxed in the country. Statistically, if you look at the numbers and if you look at the total revenues taken in by state and local government, we're somewhere near the middle, closer to the middle of the pack. In terms of total taxes that we take in, we're closer to the middle. Where it is accurate is at the tax burden. In other words, how much money you have left over after you get done paying taxes. I think Connecticut is also very high in terms of total dollars taken away and what money is left. What's nice about Connecticut is that people make about three times as much money as we do here. I just want to point that out because there are two sides to the equation when it comes to tax burden. It's what the tax is, which we've been really focused on for a number of years and are trying to relieve taxes. We've done more to lower taxes in these last ten years or so than ever. I remember the Homestead Exemption. L.D. 1, for example. We did a number of things to try to deal with that issue. In fact, there is a proposal, I think, that the Chief Executive has put forward that the Taxation Committee is looking at right now that has to deal with the income tax. That will be a very interesting debate and interesting discussion. I think that's worthwhile. There are other aspects to the tax burden and that is, basically, what people make

in this state. People don't make a whole lot. We're known for our productivity. You know, that's a cute term. We can pay people pretty crappy wages and get a lot of work out of them. Maine is considered a high productivity state. I tend to believe that Maine people do work a little bit harder and they have a little better work ethic than everyone else in the country. The bottom line is that our people generally make less money. That adds to the tax burden problems, whatever taxes they have to pay. That's unfortunate. We need to keep talking about this. The point is that this is what we're here for. We can dwell about all of these things. We can throw out these things designed primarily for people to catch headlines and for the press or whatnot. If you listen to all the rhetoric, at times you want to just go outside and slit your wrists. This is such a terrible place to live. The reality is that it isn't. We all know that it isn't. This is a great place to live. People in Maine are being commended for their productivity, for their heartiness, and they expect the same from us. We are going to roll up our sleeves, I suspect, after this partisan debate is over with, after we're done and the stuff that most people outside of this building find particularly boring and annoying, and we will go back to the Appropriations Committee. We have a Part 2 budget that we all must work on. We have a tax proposal that we all must work on. Hopefully, we can come together. We're not just looking for other ways to divide and that we are trying to move the state forward. I hope that is what we can do, Madame President. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. We wouldn't be here having this particular debate, or even in this special session, if the process had worked the way our founding fathers intended it to work. Instead that process was subverted for the purposes of passing a partisan majority budget. It strikes me as disingenuous for the majority to impose an artificial and arbitrary deadline, shutdown negotiations on the budget, run through a partisan budget, and then imposes another arbitrary and artificial deadline for the minority to present a detailed budget. Since when is that how our state budgets are done?

With respect to the issue before us, L.D. 663, are we listening to the people of Maine? Do we understand what they told us last fall? We have a spending problem in this state. We have a responsibility to address the spending side of the equation. I'm one of the members of this body who has been willing to come to the middle. I rose in this chamber and endorsed and voted for a change in our tax structure to help address this problem. That was shot down. Now we're talking about looking at the spending side of the equation. Are we going to shoot that down too? We have a serious problem.

The people of this state are prepared to see a smaller leaner government. I think many of us on both sides of the aisle know that in our hearts. We know it from the conversations that we have with our families and with our constituents when we go home. We can start with vacant positions. You heard the good Senator from York, Senator Nass, tell us how much that alone will do. Why are we carrying them over in the budget? They are vacant. It is superfluous to state government, yet we insist on keeping them in the budget and creating a larger structural gap as we go on. The people of Maine have given this legislature the opportunity to get it right. I can assure you they are watching us.

I also think I can assure you, with a straight face, that they are not impressed. We are going to leave it up to them to take matters into their own hands. Is that really what we want? Do we need to drive them to that point?

When we talk about cuts there is always somebody that will jump up and talk about throwing elderly people out of nursing homes. That is an old tactic. It is a scare tactic. Whenever you talk about cuts, be sure and target the most egregious and the most objectionable thing you can think of and talk about that to ensure that people will rise to the opposition. How about carving out priorities? Sure, we're going to be asking something tough of our state government. Within your budget for your department you are going to be required to carve out priorities. I wouldn't want to leave it to some faceless bureaucrat. I heard that term from the other side of the aisle. We need to have the proposals come back and make sure that we can live with them. We need to take action. I think probably the thing that's most objectionable to some people is that this is going to require an environment that we have negotiate and work together in. That's what we are supposed to be doing anyways, but it's not happening. I intend to oppose the pending motion and I'm under no illusion that my side will prevail. I hope that there will be enough likeminded people in this chamber who will reject the 'just say no' mentality, one side or the other, and come together. We have a responsibility to the people of this state. I do believe we are fulfilling it. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President, for your indulgence. I promise to be brief. I would just like to bring up that a couple of members from the other side of the aisle have said that they wished negotiations could have continued for this budget. I share in that wish. We do have a Part 2 budget coming up. There is a wonderful opportunity for us to come together, to think about this issue and many others in terms of where we can find ways to reduce spending, and to reduce some of the borrowing that people have objected to. Just as a final note, me being new to the Senate, I had no idea when I saw this on the supplement that we would be re-opening the budget discussion. This has been very entertaining and a learning experience for me.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. Just a couple of comments, since we seem to be discussing the budget process in the context of L.D. 663. Just a few things I wanted to clarify. Accountability has been very important for us in Appropriations and one of the things that we did when we looked at the budget, Part 1, was to look at the vacancies. We had a bi-partisan group that looked at them and actually determined that there weren't saving there that they could determine at that point in time. There was an amendment to the budget which asked OPEGA to look into the vacancies and to come back to us with information about how can save money if, in fact, there is money there to be saved. I didn't want to leave people with the impression that we were not holding ourselves accountable in some of these areas that have been discussed. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo 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 (#97)

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 concurrence, **PREVAILED.**

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

Off Record Remarks

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

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

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 4:00 in the afternoon.

After Recess
Senate called to order by the President.

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:

Acts

An Act To Establish Moxie as Maine's Official Soft Drink
S.P. 27 L.D. 85
(C "A" S-89)

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

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

S.P. 81 L.D. 228

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY)

H.P. 955 L.D. 1369

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-286)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-260) AS AMENDED BY HOUSE AMENDMENT "A" (H-286)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-260) **READ.**

House Amendment "A" (H-286) to Committee Amendment "A" (H-260) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-260) as Amended by House Amendment "A" (H-286) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Limit Faxes from Telemarketers"

H.P. 667 L.D. 957

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Strengthen Certain Student Support Services within the Maine Community College System"

H.P. 715 L.D. 1030

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs"

H.P. 83 L.D. 107

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 **TAXATION** on Bill "An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmity to Applicants' Residential Property"

H.P. 271 L.D. 358

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources"

H.P. 1098 L.D. 1560

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend and Update Laws Regulating the Practice of Nursing"

H.P. 843 L.D. 1225

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

H.P. 968 L.D. 1391

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Agricultural Water Management Fund"

H.P. 671 L.D. 961

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-284)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284)**.

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

READ ONCE.

Committee Amendment "A" (H-284) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Increase Funding for Meals on Wheels Program"

H.P. 931 L.D. 1348

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

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

READ ONCE.

Committee Amendment "A" (H-279) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers"

H.P. 490 L.D. 670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-258)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258)**.

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

READ ONCE.

Committee Amendment "A" (H-258) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prevent Camcorder Piracy"

H.P. 593 L.D. 834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-259)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259)**.

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

READ ONCE.

Committee Amendment "A" (H-259) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures"

H.P. 828 L.D. 1200

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles"

H.P. 838 L.D. 1220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-288)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)**.

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

READ ONCE.

Committee Amendment "A" (H-288) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Create the ATV Trail Advisory Council" (EMERGENCY)

H.P. 897 L.D. 1300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-287)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287)**.

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

READ ONCE.

Committee Amendment "A" (H-287) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure Participation by Voters with Disabilities in the Electoral Process"

H.P. 456 L.D. 623

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-283)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**.

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

READ ONCE.

Committee Amendment "A" (H-283) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prohibit Unfair Charges in Mobile Home Parks" H.P. 938 L.D. 1355

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-285)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285)**.

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

READ ONCE.

Committee Amendment "A" (H-285) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries"

H.P. 714 L.D. 1029

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-265)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)**.

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

READ ONCE.

Committee Amendment "A" (H-265) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Enhance Driver Education and Safety" (EMERGENCY) H.P. 410 L.D. 555

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-289)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289)**.

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

READ ONCE.

Committee Amendment "A" (H-289) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Accent Lighting on Motor Vehicles"

H.P. 730 L.D. 1077

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-290).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-290).**

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

READ ONCE.

Committee Amendment "A" (H-290) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, To Establish the Wabanaki Trail

H.P. 775 L.D. 1122

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-262).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262).**

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

READ ONCE.

Committee Amendment "A" (H-262) **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:

COMMUNICATIONS

The Following Communication: S.C. 264

**ONE HUNDRED TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT
AUGUSTA, MAINE 04333**

May 9, 2005

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 601 An Act To License Real Estate Rental Agents
- L.D. 1014 Resolve, Directing the Department of Economic and Community Development To Develop a Clearinghouse of Maine Businesses That Contract Out Work for Completion Off-site within the State
- L.D. 1412 An Act To Protect Consumers Regarding Motor Vehicle Rentals
- L.D. 1443 An Act To Require the Owner of a Service Dog To Show a Certificate of Completion of a Basic Obedience Class from a Service Dog Trainer in Order for That Dog To Be Admitted to a Retail Establishment or Restaurant
- L.D. 1522 An Act To Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card
- L.D. 1549 An Act To Require Funeral Establishments To Counsel Next of Kin on Embalming

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 10, 2005

The Following Communication: S.C. 266

**ONE HUNDRED TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1206 Resolve, To Fund a Group Home for Young Adults with Disabilities in Southern Maine
- L.D. 1228 An Act To Create Consistency in the Regulation of Small Group Homes
- L.D. 1270 Resolve, To Increase Prospective Interim Payments to Certain Rural Hospitals
- L.D. 1350 An Act Regarding the Office of Substance Abuse

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

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

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

The Following Communication: S.C. 269

**ONE HUNDRED TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS
AUGUSTA, MAINE 04333**

May 9, 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. 804 An Act To Prohibit Clean Election Candidates from Using Clean Money for Personal Profit or Use
- L.D. 1099 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Statewide Participation in Initiating a Referendum by Requiring 10% of the Total Vote by County
- L.D. 1117 An Act To Protect Children Left Unattended at Gambling Establishments
- L.D. 1154 An Act To Recognize and Regulate the Proper Formation of Minor Political Parties
- L.D. 1188 An Act To Ensure Ready Access by Consumers to Information Regarding Alcoholic Beverages and Gambling Activities while Decreasing Gambling Abuse
- L.D. 1207 An Act To Improve the Clean Election Laws
- L.D. 1227 An Act To Fund Pesticide Education in the State
- L.D. 1239 An Act To Promote Clean Elections in Maine
- L.D. 1260 An Act To Establish Daily Loss Limits Relating to Slot Machines and Certain Games of Chance
- L.D. 1281 An Act To Ensure That Direct Initiatives Have Local Support
- L.D. 1371 An Act To Provide Additional Funding for Prescription Drugs for Maine's Elderly
- L.D. 1467 An Act To Limit the Hours of Operation at Certain Gambling Establishments
- L.D. 1485 Resolve, To Publicize the Odds of Winning a State Lottery

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. 265

**ONE HUNDRED TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

May 9, 2005

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 705 An Act To Relieve the Income Tax Burden in the State through Revenue-neutral Means
- L.D. 1437 An Act To Broaden the Sales Tax Base and Lower the Sales and Use Tax and Service Provider Tax Rates

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

Sincerely,

S/Sen. Joseph C. Perry Senate Chair
S/Rep. Richard G. Woodbury House Chair

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

The Following Communication: S.C. 268

**ONE HUNDRED TWENTY-SECOND LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

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

- L.D. 1008 Resolve, To Establish a Study Commission To Analyze Regulations Applicable to Sewer Districts
- L.D. 1081 Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System
- L.D. 1282 An Act To Clarify the Process To Enforce Dig Safe Requirements

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

Sincerely,

S/Sen. Philip L. Bartlett II Senate Chair
S/Rep. Lawrence Bliss House Chair

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Expand the Authority of Maine's Lobster Management Policy Councils"

S.P. 303 L.D. 895

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Aquifers"

S.P. 445 L.D. 1265

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

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

READ ONCE.

Committee Amendment "A" (S-157) **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 Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses" S.P. 448 L.D. 1268

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

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

READ ONCE.

Committee Amendment "A" (S-156) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes" S.P. 515 L.D. 1497

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Update the Laws Governing Borrow Pits and Quarries" S.P. 522 L.D. 1506

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

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

READ ONCE.

Committee Amendment "A" (S-155) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Charter of the Farmington Village Corporation"

S.P. 418 L.D. 1204

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

COMMUNICATIONS

The Following Communication: S.C. 270

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

May 9, 2005

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 394 An Act To Create a High-risk Pool in the Health Insurance Market
- L.D. 898 An Act To Preserve Dirigo Health
- L.D. 1168 An Act To Reduce Individual Health Insurance Premiums

- L.D. 1475 An Act To Establish a Simplified Package of Health Care Insurance Affordable by All
- L.D. 1523 An Act To Create Lower-cost Health Insurance Options
- L.D. 1545 An Act To Establish a Cooperative Approach to Health Care Coverage

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Strengthen Community Health Centers and Indian Health Centers"
H.P. 834 L.D. 1216

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 Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **SAVAGE** of Knox requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. This is a proposal that would provide reimbursement funding for our 28 community and Indian health centers for uncollectible and outstanding patient accounts receivable. There is one in my district, in a very rural area. I know that they do a good job. I think this is something that we should be willing to put on the table in a temporary fashion to help these important health centers manage and stay alive. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. We all want to support our community and Indian health centers, but not by reducing the financial security of an innovative insurance coverage for small business communities, which is Dirigo Choice. That's what this particular bill would do. For that reason, I would encourage you to support the majority Ought Not to Pass report.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo 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 (#98)

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

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

ABSENT: Senators: ANDREWS, NUTTING

EXCUSED: Senator: DAMON

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Increase the Franchise Tax on Financial Institutions"
H.P. 351 L.D. 476

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

Signed:

Senators:

PERRY of Penobscot
COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-190)**.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
PINEAU of Jay
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

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

Reports **READ**.

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

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

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

Senator **STRIMLING:** Thank you, Madame President. I rise to speak against the motion and to encourage my colleagues to vote against the motion and then vote for this bill. A lot of people say we are an unfriendly state for business. I will have you say that, in this category, we go beyond. We have the lowest rates. We charge the lowest franchise fee of any state in the nation on banks. To give you an idea of how little we charge, there was over \$200 million in profit from the banks in 2004. Great. No problem. They should be able to make as much as they can. They paid \$4 million on that \$200 million. Most of the \$4 million they received back in BETR, which means that we got virtually nothing from this industry to support our roads, to support our schools, and to support our residents who are paying the difference on their property tax bills. This is an area where we can afford to do an increase, a small increase. I would strongly encourage you to vote against the motion in front of you. Thank you.

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

Senator **PERRY:** Thank you, Madame President. I'd be hard pressed to disagree with a lot of what my friend, the Senator from Cumberland, Senator Strimling, just said. In fact, the banking and financial institutions have been a success story here in the state. A lot of good job growth. They are good jobs. They are out there on the front lines, helping to grow this economy. This bill, regardless of what we do with it today, is not going to become law. I'm sorry. I can't speculate. Let's just dispense with it here. Thank you.

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

Senator **DOW:** Thank you, Madame President. As a former director on the board of a large bank in Maine, it's easy to say that banks might be making too much money, but first of all, a lot of that profit goes off to pay stockholders that own stock in the banks. Those monies go into retirement funds and different

things like that. My own bank, because of the profit level, was able to pay bonuses to the workers, all of them, last year in the range of 20%. That is all money that was either put into savings accounts or came back in spending and stimulated the Maine economy. There is one reason that we do have good healthy banks in Maine. It's because we have a 1% rate instead of a 2%. I would vote Ought Not to Pass and keep it that way.

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

Senator **STRIMLING:** Thank you, Madame President. Nobody said that the banks make too much money. I am glad the banks make as much money as they do. The issue is trying to share the burden. The people of this state are begging us for property tax relief. Part of the problem is that we have been shifting too much of the burden onto residents. This is an area where we can shift of it back to be able to help with our schools, to be able to help with our roads, and help with our environment. There are plenty of states in this nation where banks are thriving, doing just as well as they are doing in the State of Maine, but they know better that they can go to them to say, 'Hey, we need your help to be able to take care of our kids.'

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Perry 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 (#99)

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

NAYS: Senators: BRENNAN, STRIMLING

ABSENT: Senators: ANDREWS, NUTTING

EXCUSED: Senator: DAMON

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More

H.P. 52 L.D. 56

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth
HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
PINEAU of Jay
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-297)**.

Signed:

Senator:

COURTNEY of York

Representatives:

CLOUGH of Scarborough
BIERMAN of Sorrento

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

Reports **READ**.

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

(See action later today.)

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Alleviate Overcrowding in Public Schools"

H.P. 763 L.D. 1110

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath
HUTTON of Bowdoinham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-301)**.

Signed:

Senator:

COURTNEY of York

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

Reports **READ**.

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

ORDERS OF THE DAY

Unfinished Business

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

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations"
H.P. 160 L.D. 209

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-153)** (10 members)

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

Tabled - May 5, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, May 3, 2005, 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-153)**.)

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

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

READ ONCE.

Committee Amendment "A" (H-153) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Give the Supreme Judicial Court Authority To Decide Contested Elections Results
H.P. 515 L.D. 720

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-155)** (6 members)

Tabled - May 5, 2005, by Senator **GAGNON** 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 **PLOWMAN** of Penobscot, 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 (#100)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, 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

ABSENT: Senator: NUTTING

EXCUSED: Senator: DAMON

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish Health Care as a Right

H.P. 279 L.D. 377

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-150)** (7 members)

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

Tabled - May 5, 2005, by Senator **SCHNEIDER** of Penobscot

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

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

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

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

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I would ask you to vote against the pending motion. What this resolution does is proposes to amend the Constitution to establish providing healthcare to everyone in

the State of Maine as a constitutional right. It has been said to me many times by people on both sides of the aisle that we need to be very cautious when amending the Constitution. This also, in my mind, is a mandate. We're going to amend the Constitution to establish healthcare for every individual as a constitutional right, but we have not provided the means by which to do that. I would ask you to vote against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise to ask you to not support the pending motion. As a member of the Insurance and Financial Services Committee, we have heard similar pieces of legislation in the past. While I find it unfortunate that we are the only industrialized country in the world that does not have such a situation of universal health coverage, it cannot be done on a state-by-state basis. It needs to be done at the federal level. Until that is done, I think, personally, that we are chasing our tails and we are making a commitment. If my memory serves me correctly from the last time that we debated this particular type of legislation, we're talking about something in the neighborhood of \$5.2 to \$5.5 billion a year in expense. I believe that is comparable to our current state budget. That gives you some idea of the financial impact of this piece of legislation. I would hope that you would join me in voting against the current motion.

At the request of Senator **RAYE** of Washington, Reports **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President. I stand to discuss, briefly, what transpired in our committee on this bill. I think many of us, in speaking with our constituents, have been told over and over again that access to healthcare is of the utmost importance to our constituents. However, I recognize fully in my vote that it was highly unlikely that anything like this would pass in the Senate. I think that it is more to the point that we feel that this of the utmost importance, and in fact, I would prefer that this be addressed on the federal level, nationwide. I believe it is a crisis. I think that most of us realize that healthcare costs are a huge problem in the United States. I stand to say vote your conscience on this one. I believe it does merit our attention and certainly airing. Thank you very much, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I will be quick. I just want to concur. I will vote in opposition to this motion. As chair of the Insurance and Financial Services Committee, I have to agree. We're trying some other things. We should not play with the Constitution lightly. If I were going to do anything with the Constitution, I would not be passing a simple equal rights law, I would put that into the Constitution. The fact that this is insurance, we understand that this is a commitment of public policy. I don't see it as being a constitutional item. I will be voting in opposition to this.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#101)

YEAS: Senators: COWGER, SCHNEIDER, STRIMLING

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

ABSENT: Senators: HOBBS, NUTTING

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, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require a Nonpartisan Legislature"

H.P. 313 L.D. 428

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-194)** (2 members)

Tabled - May 5, 2005, by Senator **SCHNEIDER** of Penobscot

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Study the Feasibility of Dividing Maine into 2 States

H.P. 656 L.D. 937

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-202)** (1 member)

Tabled - May 5, 2005, by Senator **SCHNEIDER** of Penobscot

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

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence, on the following:

HOUSE REPORTS - from the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More

H.P. 52 L.D. 56

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-297)** (3 members)

(In House, May 10, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 10, 2005, Reports **READ**. On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.)

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Thank you for reconsidering and allowing me to request a roll call. It's a little hard to see over here with those lights, so sometimes it's a little hard to keep up with the supplements. If I could, this bill was put in by Representative Barstow.

THE PRESIDENT: It is in order that you discuss the bill, it's not in order that you discuss members of the other body. If you would like you may proceed.

Senator **COURTNEY:** Thank you, Madame President. This bill was put in, basically, because of the lawnmower issue. We had an assessor that started to tax people's lawnmowers and yard equipment. I think it is a concern. The reason I wanted to bring it forward and have a chance to vote on this, and perhaps discuss it a little bit. I think, as towns and cities look in other areas for revenue, this is going to be an issue that we cannot continue to ignore. Just one piece on this, this bill requires an amendment to the constitution that requires that the legislature does not reimburse municipalities for new property tax exemptions if the municipality has not assessed the property taxes on that type of property in the ten years preceding enactment. The reason for this is, as the towns will tell you, they don't tax these things anyways. Why do we have to worry about it? What happens is, in some cases, you get a community that might become over zealous and look for different areas to tax. This looks like a way that we could resolve this and not hold the communities harmful. I would ask your consideration and thank you for your consideration for reconsideration.

Same Senator requested a Roll Call.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I'll urge you to vote for the Ought Not to Pass report. It's fairly simple. I think we all remember the fellow down south somewhere, the assessor who tried taxing folks lawnmowers or whatnot and they ran him out of town. They have a way of dealing with it on the local level. If we go ahead and do this, the places that are entitled to a 50% reimbursement, we're going to be on the hook for every piece of equipment that is out there that they are currently not assessing. Quite frankly, there are already some tax reform issues on the ballot for constitutional changes. There may be more. I don't want this to confuse the ballot. I don't want the folks of Maine to think this is our idea of tax reform. The Maine Municipal has polled their municipalities. They are just not assessing this stuff and I don't think you'll see a local assessor try it again in the near future. Thank you.

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

Senator **ANDREWS:** Thank you, Madame President and fellow Senators. I rise to speak on this issue because we had an incident come up in my town about two weeks ago. I'm getting a lot of phone calls, some of them not too pleasant. I think you need to be aware of it because it could affect all of you, especially up and down the coast. The lobstermen in my town have now been informed by our assessor that they are going to begin to charge this tax on every lobster trap to every lobsterman in the town of York. This is something that is not being done uniformly around the state, there are a couple of other towns that are doing it. This could have serious repercussions for all our towns, even for the state financially to go about the reimbursement. I think you need to seriously look at this issue. Thank you.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Just to clear the record, the assessor was not run out of town. That was the town of Windham where that happened. I don't want you to be confused or have a different impression of the assessor. He thought he was doing what he should do. He definitely was not run out of town. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Maybe some of us read it a little differently and I apologize if it was misinformation. However, the assessor in Windham was following the law. I guess, by not addressing this, what we're doing is asking assessors to either ignore the law or follow it and risk the wrath of their community. The other thing about this is this particular amendment doesn't cost the municipalities anything because it doesn't exempt anything unless it hasn't been assessed in the previous ten years. I guess on that I'll rest my case.

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

Senator **SULLIVAN:** Thank you, Madame President. It must be late in the afternoon. I'm somewhat confused by this. As the good Senator from York, Senator Andrews, said, we did talk about this. In fact, there should be a letter going out from our chairs in Marine Resources to the chairs of Taxation. The Senator from York, Senator Andrews, brought up the lobster traps being taxed there, but there are some interesting aspects of lobster traps. They said, 'Well, you can get BETR program.' You really can't. First of all, it would be done on the number of tags that you get and tags are automatically at 10% above because there is an automatic factor put in for loss at sea. The other thing that happens is that you don't buy all your traps at one time. There is a ten-year phase out for the BETR program. Traps don't last ten years. They just don't last. We, on the committee, talked about the fact that, in the farming world, there is an exemption for farm equipment. Fishermen fish and farm the sea. That's what they do. There are all kinds of aquaculture places. Muscles, not fin fish, that need some help. They already lease that property for aquaculture. On lobster traps, how do you figure out that depreciation and what goes? I'm somewhat confused because the letter should have been received. I turn to look real quickly for the Senator from Hancock, Senator Damon, but I understand he's in Washington doing things for the marine resources. I would ask us to tread carefully on this until we can get a clearer definition. This could be devastating. At the present time, there are very few communities taxing. There is not a real loss of income. If this catches on, and York gets away with it, before long it will be up and down the coast. If we go back to try to straighten it out then, there would be a loss of income for those municipalities. It's harder to undo than do. I'm somewhat concerned and I just wish that my fearless Senator was here. I would have known what transpired in that letter.

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

Senator **PERRY:** Thank you, Madame President. I really don't think that this is going to take care of the lobster trap issue. If it did, maybe I would consider it differently. A lobster trap is not a piece of property worth over \$1,000. A 1,000 of them, or 500 of them, are. If I have five lawnmowers at my house that are worth \$300 apiece, that's a separate issue than if I have one riding lawnmower worth over \$1,000. The push mowers that are worth \$300 apiece, even though they add up to more than \$1,000, are not a part of this. It's the larger items. I really don't think it addresses the lobster trap issue at all. Thank you.

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

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 5:30 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set"

H.P. 873 L.D. 1276

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-263).**

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
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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify State Auditor Qualifications"

H.P. 512 L.D. 717

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town
SCHATZ of Blue Hill

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

Signed:

Senator:
ANDREWS of York

Representatives:
McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
MUSE of Fryeburg

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

Reports **READ**.

Senator **SCHNEIDER** of Penobscot 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 PRESIDENT: The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I rise to ask you to vote against the pending motion and go on to support the minority Ought to Pass report. This bill is a very simple bill. What it does is merely states that the state auditor, after this current term, must be a certified public accountant or qualified to be certified as a public accountant. I think for someone that we are asking to oversee the money from the State of Maine that this should be a requirement that should be met. I would ask you to vote against the pending motion.

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

Senator **SCHNEIDER:** Thank you, Madame President and men and women of the Senate. I'd like to point out several issues with regard to the piece of legislation and the reason why I am not in favor of passage of it. The state auditor position requires many duties and many expertises. I don't believe the focus should be simply on being certified in accounting, although strength in accounting is helpful. For example, a business degree might be helpful. Being an attorney might be helpful. Having a human resources background might be helpful. Frankly, I think an array of these capabilities is really what the job requires. Having expertise in a whole array gives the strength to the position that I believe is required of meeting the duties of the state auditor. I believe that by passing this legislation, we would be limiting, to a very narrow group of people, this position. I hope that you will support my motion. Thank you, Madame President.

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 signed onto this bill after reviewing the current statutes for the qualifications for state auditor. In order to qualify to be the state auditor, there are four different disciplines mentioned and varied degrees of education, training, experience, and examinations. In order to bring some order to the requirements to be state auditor, this bill says that we should have one criterion for this job. Under L.D. 717, one must be a certified public accountant, which I believe is almost universally accepted as the gold standard, the highest qualification for this post. I think it is important that the state auditor of Maine has an indebt understanding of the auditing function of that office and those who work in it. A CPA would be that person. There are no shortages of CPAs and many have great management skills. I don't consider this a partisan issue either. This is an act that prepares Maine for the 21st century, with a high quality state officer, which we all should be interested in, no matter who the majority party is. If you are planning to vote against this because of the partisanship ness, I urge you to please reconsider. Note that section 3 of L.D. 717 specifically states this act applies on the date the current state auditor's term ends or when that person no longer serves in that position. The current state auditor is not affected at all by this act. Please support this action, which will help to bring the most qualified people into state government. Maine deserves to know that. I ask you to vote against the pending motion and support L.D. 717. Thank you very much.

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

Senator **SCHNEIDER:** Thank you, Madame President. I'd like to point out one interesting point. That is to be the Attorney General of Maine, one does not have to be an attorney. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#102)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, 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

ABSENT: Senator: NUTTING

EXCUSED: Senator: DAMON

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students"

H.P. 685 L.D. 975

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

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** 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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Promote Sound Science in Climate Change Policy"

H.P. 68 L.D. 72

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-274)**.

Signed:

Senators:

COWGER of Kennebec
SNOWE-MELLO of Androscoggin

Representatives:

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

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

Signed:

Representative:

TWOMEY of Biddeford

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-274)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-274) **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:

REPORT OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"

H.P. 218 L.D. 293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-243).**

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook

Representatives:

KOFFMAN of Bar Harbor
THOMPSON of China
EBERLE of South Portland
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 "B" (H-244).**

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
ANNIS of Dover-Foxcroft
DAIGLE of Arundel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243).**

Reports **READ.**

Senator **COWGER** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** Report, in concurrence.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **COWGER** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** Report, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute"

H.P. 455 L.D. 622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-230).**

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-230)**.

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-230) **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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Set Emission Limits for Certain Architectural Coatings"

H.P. 753 L.D. 1100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-168)**.

Signed:

Senators:

MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
THOMPSON of China
ANNIS of Dover-Foxcroft
DAIGLE of Arundel
SAVIELLO of Wilton
DUCHESNE of Hudson
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-169)**.

Signed:

Senator:

COWGER of Kennebec

Representatives:

KOFFMAN of Bar Harbor
EBERLE of South Portland
TWOMEY of Biddeford

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-169)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-169) AS AMENDED BY HOUSE AMENDMENT "A" (H-270)** thereto.

Reports **READ**.

Senator **COWGER** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-169)** Report, in concurrence.

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

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

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. I hope you will all vote on the roll call and vote for the minority report. I hope you will note there has also been an amendment added in the other body. I know I can't speak to their actions, but I want to reflect on the fact that the minority report has had some work done with all the committee members and we are all in agreement that, with additional action on this bill which we will consider later on, we are all in agreement at this point. I hope we can all support the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Cowger to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-169) 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 (#103)

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

NAYS: Senator: WESTON

ABSENT: Senator: NUTTING

EXCUSED: Senator: DAMON

32 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **COWGER** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-169) Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-169) **READ**.

House Amendment "A" (H-270) to Committee Amendment "B" (H-169) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (H-169) as Amended by House Amendment "A" (H-270) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT RESOLUTION - Recognizing May As "Maine Is Working" Month

S.P. 599

In Senate, May 5, 2005, on motion by Senator Bromley of Cumberland, **READ** and **ADOPTED**.

Comes from the House, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "B"** (H-306), in **NON-CONCURRENCE**.

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

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 Establish a Cost-sharing Formula for the Five Town Community School District

H.P. 1177 L.D. 1668

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors" H.P. 903 L.D. 1306

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-257)** (9 members)

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

Tabled - May 10, 2005, by Senator **BROMLEY** of Cumberland

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

(In House, May 9, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 10, 2005, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-257) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, May 11, 2005, at 10:00 in the morning.