

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature

State of Maine

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

In Senate Chamber
Wednesday
May 11, 2005

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

Prayer by Reverend Arlene Tully of the Randolph and East Pittston United Methodist Church.

REVEREND TULLY: Let us be in the spirit of prayer. Oh Mighty God, we ask Your blessing upon these members of the Senate gathered here. By Your grace, grant them in their work this day clarity of thought, discerning wisdom, and compassionate understanding. Guide their minds, hearts, and actions, that they may be benevolent in their spirit, courageous in the face of difficulty, and thoughtful in their decisions. Inspire their deliberations, that they may reflect Your goodness, justice, and mercy. Holy God, we give You thanks for each Senator here and for their commitment to the common good. Help them to keep faithful to their calling to serve the good people of Maine and give them the courage to be guided by their conscience rather than political pressure, expediency, or personal ambition. Strengthen them in their integrity, wisdom, and compassion. Enable them to be agents of Your will and sustain in them the bold hope of a future in which righteousness, justice, and mercy prevail. Amen.

Reading of the Journal of Tuesday, May 10, 2005.

Off Record Remarks

The President appointed the Senator from Aroostook, Senator **MARTIN**, to serve as President Pro Tem for the session on Thursday, May 12, 2005.

The President appointed the Senator from Kennebec, Senator **GAGNON**, to serve as President Pro Tem for the session on Monday, May 16, 2005.

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

COMMUNICATIONS

The Following Communication: S.C. 271

MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333

May 10, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Kenneth L. Williams of Damariscotta, for appointment to the Maine State Retirement System, Board of Trustees.

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

YEAS	Senators	3	Bartlett of Cumberland, Snowe-Mello of Androscoggin, Strimling of Cumberland
	Representatives	9	Clark of Millinocket, Cressey of Cornish, Driscoll of Westbrook, Duprey of Hampden, Hamper of Oxford, Hutton of Bowdoinham, Jackson of Fort Kent, Smith of Van Buren, Tuttle of Sanford

NAYS 0

ABSENT 1 Rep. Hall of Holden

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kenneth L. Williams of Damariscotta, for appointment to the Maine State Retirement System, Board of Trustees be confirmed.

Signed,

S/Ethan Strimling
Senate Chair

S/William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 11, 2005

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#104)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, BRYANT, MILLS, NUTTING, PERRY

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kenneth L. Williams** of Damariscotta, for appointment to the Maine State Retirement System, Board of Trustees was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 272

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

May 10, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Elizabeth E. Ehrenfeld of Falmouth, for appointment to the Board of Environmental Protection.

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

YEAS	Senators	1	Cowger of Kennebec
	Representatives	8	Annis of Dover-Foxcroft, Daigle of Arundel, Duchesne of Hudson, Eberle of South Portland, Joy of Crystal, Koffman of Bar Harbor, Rosen of Bucksport, Twomey of Biddeford
NAYS		0	
ABSENT		4	Sen. Martin of Aroostook, Rep. Saviello of Wilton, Sen. Snowe-Mello of Androscoggin, Rep. Thompson of China

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elizabeth E. Ehrenfeld of Falmouth, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

S/Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#105)

YEAS: Senators: None

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

Representatives 8 Annis of Dover-Foxcroft, Daigle of Arundel, Eberle of South Portland, Joy of Crystal, Koffman of Bar Harbor, Rosen of Bucksport, Thompson of China, Twomey of Biddeford

ABSENT: Senators: BROMLEY, BRYANT, MILLS, NUTTING, PERRY

NAYS 0

ABSENT 3 Rep. Duchesne of Hudson, Rep. Saviello of Wilton, Sen. Snowe-Mello of Androscoggin

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Elizabeth E. Ehrenfeld** of Falmouth, for appointment to the Board of Environmental Protection was **CONFIRMED**.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Denis Culley of Mercer, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

S/Theodore S. Koffman
House Chair

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Elizabeth E. Ehrenfeld of Falmouth. Would she please rise and accept the greetings of the Maine Senate.

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 273

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

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

May 10, 2005

The Doorkeepers secured the Chamber.

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

The Secretary opened the vote.

ROLL CALL (#106)

Dear Madame President:

YEAS: Senators: None

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Denis Culley of Mercer, for appointment to the Board of Environmental Protection.

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

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

ABSENT: Senators: BROMLEY, BRYANT, MILLS, NUTTING, PERRY

EXCUSED: Senator: DAMON

YEAS Senators 2 Cowger of Kennebec, Martin of Aroostook

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Denis Culley** of Mercer, for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#107)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, BRYANT, MILLS, NUTTING, PERRY

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ronald E. Usher** of Westbrook, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 274

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

May 10, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Ronald E. Usher of Westbrook, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	2	Bryant of Oxford, Woodcock of Franklin
	Representatives	9	Bryant of Windham, Cebra of Naples, Jackson of Fort Kent, Moody of Manchester, Richardson of Greenville, Richardson of Carmel, Trahan of Waldoboro, Watson of Bath, Wheeler of Kittery
NAYS		0	
ABSENT		2	Rep. Lundeen of Mars Hill, Sen. Perry of Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald E. Usher of Westbrook, for appointment

The Following Communication: S.C. 275

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

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 11, 2005

May 10, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Robert S. Savage of Limington, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	2	Bryant of Oxford, Woodcock of Franklin
	Representatives	9	Bryant of Windham, Cebra of Naples, Jackson of Fort Kent, Moody of Manchester, Richardson of Greenville, Richardson of Carmel, Trahan of Waldoboro, Watson of Bath, Wheeler of Kittery
NAYS		0	
ABSENT		2	Rep. Lundeen of Mars Hill, Sen. Perry of Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert S. Savage of Limington, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#108)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, BRYANT, MILLS, NUTTING, PERRY

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert S. Savage** of Limington, for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 276

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

May 10, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Dr. Sheridan R. Oldham of Waterville, for appointment to the Inland Fisheries and Wildlife Advisory Council.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 11, 2005

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

YEAS	Senators	2	Bryant of Oxford, Woodcock of Franklin
	Representatives	9	Bryant of Windham, Cebra of Naples, Jackson of Fort Kent, Moody of Manchester, Richardson of Greenville, Richardson of Carmel, Trahan of Waldoboro, Watson of Bath, Wheeler of Kittery
NAYS		0	
ABSENT		2	Rep. Lundeen of Mars Hill, Sen. Perry of Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Sheridan R. Oldham of Waterville, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#109)

YEAS:	Senators:	None
NAYS:	Senators:	ANDREWS, BARTLETT, BRENNAN, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING,

SULLIVAN, TURNER, WESTON, WOODCOCK,
THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: BROMLEY, BRYANT, MILLS,
NUTTING, PERRY

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. Sheridan R. Oldham** of Waterville, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 277

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

May 10, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Catherine R. Sullivan of Portland, for reappointment to the Maine State Retirement System, Board of Trustees.

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

YEAS	Senators	3	Bartlett of Cumberland, Snowe-Mello of Androscoggin, Strimling of Cumberland
	Representatives	9	Clark of Millinocket, Cressey of Cornish, Driscoll of Westbrook, Duprey of Hampden, Hamper of Oxford, Hutton of Bowdoinham, Jackson of Fort Kent, Smith of Van Buren, Tuttle of Sanford

NAYS 0

ABSENT 1 Rep. Hall of Holden

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Catherine R. Sullivan of Portland, for reappointment to the Maine State Retirement System, Board of Trustees be confirmed.

Signed,

S/Ethan Strimling
Senate Chair

S/William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#110)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, BRYANT, MILLS, NUTTING, PERRY

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Catherine R. Sullivan** of Portland, for reappointment to the Maine State Retirement System, Board of Trustees was **CONFIRMED**.

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

SENATE PAPERS

Bill "An Act To Exempt Internet Sales from the Definition of 'Auction'" (EMERGENCY)

S.P. 618 L.D. 1670

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative EBERLE of South Portland and Representative: BLISS of South Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Certain Animal Health Laws"

H.P. 759 L.D. 1106

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-305)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**.

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

READ ONCE.

Committee Amendment "A" (H-305) **READ and ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Additional Disclosure Regarding Private Mortgage Insurance"

H.P. 883 L.D. 1286

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-309).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309).**

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

READ ONCE.

Committee Amendment "A" (H-309) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Register Nonbank Loan Officers"
H.P. 900 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-311).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311).**

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

READ ONCE.

Committee Amendment "A" (H-311) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Consumer Credit Code"
H.P. 980 L.D. 1416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-310).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310).**

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

READ ONCE.

Committee Amendment "A" (H-310) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees"

H.P. 728 L.D. 1075

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-313).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313).**

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

READ ONCE.

Committee Amendment "A" (H-313) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Phase Out the Recycling Assistance Fee"
H.P. 402 L.D. 526

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-314).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-314).**

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

READ ONCE.

Committee Amendment "A" (H-314) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Increase Wetland Protection"

H.P. 803 L.D. 1160

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-315).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-315).**

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

READ ONCE.

Committee Amendment "A" (H-315) **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 Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities"
H.P. 1029 L.D. 1466

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-316)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)**.

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

READ ONCE.

Committee Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Permit the Establishment of Regional Water Councils"
H.P. 805 L.D. 1162

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-308)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308)**.

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

READ ONCE.

Committee Amendment "A" (H-308) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow Insurers To Limit Their Uninsured Motorist Coverage to Persons Listed on the Policy"
H.P. 98 L.D. 122

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

Signed:

Senators:

SULLIVAN of York
MAYO of Sagadahoc
MILLS of Somerset

Representatives:

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

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

Signed:

Representatives:

LINDELL of Frankfort
HARLOW of Portland

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Reports **READ**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Improve the Business Climate in Maine"
H.P. 837 L.D. 1219

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

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook

Representatives:

EBERLE of South Portland
KOFFMAN of Bar Harbor
DUCHESNE of Hudson
TWOMEY of Biddeford
THOMPSON of China

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-276)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
ANNIS of Dover-Foxcroft
DAIGLE of Arundel
SAVIELLO of Wilton
ROSEN of Bucksport

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

Reports **READ**.

Senator **GAGNON** of Kennebec 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.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax"

H.P. 682 L.D. 972

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
WOODBURY of Yarmouth
CLOUGH of Scarborough
PINEAU of Jay
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-191)**.

Signed:

Senator:

COURTNEY of York

Representatives:

McCORMICK of West Gardiner
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**.

Reports **READ**.

Senator **PERRY** 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 **TAXATION** on Bill "An Act To Connect the BETR Program with Job Retention"

H.P. 755 L.D. 1102

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
SEAVEY of Kennebunkport
WATSON of Bath
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-300)**.

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
CLARK of Millinocket
PINEAU of Jay
HUTTON of Bowdoinham

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

Reports **READ**.

Senator **PERRY** 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

Eight members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Increase County Filing Fees" H.P. 745 L.D. 1092

Reported in Report "A" that the same **Ought to Pass**.

Signed:

Senator:
SCHNEIDER of Penobscot

Representatives:
BARSTOW of Gorham
McFADDEN of Dennysville
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-268).

Signed:

Senator:
ANDREWS of York

Representatives:
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-269).

Signed:

Senator:
ROTUNDO of Androscoggin

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

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Modernize the Innkeeping Statutes" S.P. 313 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-160).

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

READ ONCE.

Committee Amendment "A" (S-160) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Modify the Transition Provision for Renewal of Social Worker Licenses" (EMERGENCY) S.P. 350 L.D. 1010

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-161).

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

READ ONCE.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws" S.P. 203 L.D. 648

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-151).**

Signed:

Senators:

- COWGER of Kennebec
- MARTIN of Aroostook
- SNOWE-MELLO of Androscoggin

Representatives:

- KOFFMAN of Bar Harbor
- JOY of Crystal
- THOMPSON of China
- ANNIS of Dover-Foxcroft
- EBERLE of South Portland
- 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" (S-152).**

Signed:

Representative:

- TWOMEY of Biddeford

Reports **READ.**

On motion by Senator **COWGER** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-151)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-151) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Encourage Downtown and Urban Revitalization while Meeting the Requirements of New Storm Water Rules" S.P. 189 L.D. 580

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

Signed:

Senators:

- PERRY of Penobscot
- STRIMLING of Cumberland
- COURTNEY of York

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-159).**

Signed:

Representative:

- HUTTON of Bowdoinham

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services" S.P. 392 L.D. 1128

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-162).**

Signed:

Senators:

- BARTLETT of Cumberland
- COWGER of Kennebec

Representatives:

BLISS of South Portland
BABBIDGE of Kennebunk
CURTIS of Madison
BRAUTIGAM of Falmouth
FLETCHER of Winslow
ADAMS of Portland
RICHARDSON of Skowhegan
McLEOD of Lee

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

Signed:

Senator:

WESTON of Waldo

Representatives:

FITTS of Pittsfield
RINES of Wiscasset

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-162) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs"

H.P. 83 L.D. 107

Bill "An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property"

H.P. 271 L.D. 358

Bill "An Act To Limit Faxes from Telemarketers"

H.P. 667 L.D. 957

Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students"

H.P. 685 L.D. 975

Bill "An Act To Strengthen Certain Student Support Services within the Maine Community College System"

H.P. 715 L.D. 1030

Bill "An Act To Amend and Update Laws Regulating the Practice of Nursing"

H.P. 843 L.D. 1225

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

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

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

House As Amended

Bill "An Act To Promote Sound Science in Climate Change Policy"

H.P. 68 L.D. 72
(C "A" H-274)

Resolve, To Support Long-term Forest Management and Sound Silviculture

H.P. 111 L.D. 133
(C "A" H-253)

Bill "An Act To Amend the Law on Mercury-added Products"

H.P. 136 L.D. 185
(C "A" H-271)

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
(C "A" H-153)

Bill "An Act To Allow Dental Hygienists To Prescribe Fluoride and Chlorhexidine"

H.P. 407 L.D. 552
(C "A" H-256)

Bill "An Act To Enhance Driver Education and Safety" (EMERGENCY)

H.P. 410 L.D. 555
(C "A" H-289)

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
(C "A" H-230)

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 11, 2005

Bill "An Act To Ensure Participation by Voters with Disabilities in the Electoral Process"

H.P. 456 L.D. 623
(C "A" H-283)

Bill "An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers"

H.P. 490 L.D. 670
(C "A" H-258)

Bill "An Act Regarding the Appointment of the Director of Investigations in the Office of the Attorney General"

H.P. 517 L.D. 722
(C "A" H-277)

Bill "An Act To Require Legislative Review of Any Rules Governing Private Schools"

H.P. 521 L.D. 726
(C "A" H-246)

Bill "An Act To Clarify the Law Relating to Motor Vehicle Repair Posters"

H.P. 590 L.D. 831
(C "A" H-249)

Bill "An Act To Prevent Camcorder Piracy"

H.P. 593 L.D. 834
(C "A" H-259)

Bill "An Act To Establish the Agricultural Water Management Fund"

H.P. 671 L.D. 961
(C "A" H-284)

Bill "An Act To Fight Sprawl and Ensure That Public Lands Are Equitably Distributed"

H.P. 701 L.D. 1017
(C "A" H-252)

Bill "An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries"

H.P. 714 L.D. 1029
(C "A" H-265)

Bill "An Act To Allow Accent Lighting on Motor Vehicles"

H.P. 730 L.D. 1077
(C "A" H-290)

Bill "An Act To Set Emission Limits for Certain Architectural Coatings"

H.P. 753 L.D. 1100
(H "A" H-270 to C "B" H-169)

Bill "An Act To Create the Fryeburg Water District"

H.P. 766 L.D. 1113
(C "A" H-251)

Resolve, To Establish the Wabanaki Trail

H.P. 775 L.D. 1122
(C "A" H-262)

Bill "An Act To Recognize the Recipients of the Korea Defense Service Medal"

H.P. 791 L.D. 1148
(C "A" H-248)

Bill "An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures"

H.P. 828 L.D. 1200
(C "A" H-292)

Bill "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles"

H.P. 838 L.D. 1220
(C "A" H-288)

Bill "An Act Regarding Speech-language Pathology Aides" (EMERGENCY)

H.P. 874 L.D. 1277
(C "A" H-272)

Bill "An Act To Create the ATV Trail Advisory Council" (EMERGENCY)

H.P. 897 L.D. 1300
(C "A" H-287)

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
(C "A" H-273)

Bill "An Act To Increase Funding for Meals on Wheels Program"

H.P. 931 L.D. 1348
(C "A" H-279)

Bill "An Act To Prohibit Unfair Charges in Mobile Home Parks"

H.P. 938 L.D. 1355
(C "A" H-285)

Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY)

H.P. 955 L.D. 1369
(H "A" H-286 to C "A" H-260)

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

Bill "An Act To License Home Building and Improvement Contractors"

H.P. 903 L.D. 1306
(C "A" H-257)

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

Sent down for concurrence.

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

Senate

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

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Improve Access to Public Lands"

S.P. 49 L.D. 143
(C "A" S-146)

Bill "An Act Relating to Unlawful Housing Discrimination"

S.P. 99 L.D. 321
(C "A" S-136)

Bill "An Act To Create a Protected Zone around the Voting Place"

S.P. 121 L.D. 374
(C "A" S-150)

Bill "An Act To Ensure Compliance with the Federal Indian Child Welfare Act"

S.P. 139 L.D. 415
(C "A" S-138)

Bill "An Act To Require Health Insurers To Cover the Costs of Hearing Aids"

S.P. 145 L.D. 447
(C "A" S-149)

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
(C "A" S-148)

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
(C "A" S-142)

Bill "An Act To Expand the Authority of Maine's Lobster Management Policy Councils"

S.P. 303 L.D. 895
(C "A" S-153)

Bill "An Act To Improve Landowners' Access to Their Land"

S.P. 355 L.D. 1038
(C "A" S-145)

Bill "An Act To Protect Young Drivers"

S.P. 393 L.D. 1129
(C "A" S-144)

Bill "An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish"

S.P. 395 L.D. 1131
(C "A" S-143)

Bill "An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council"

S.P. 412 L.D. 1184
(C "A" S-147)

Bill "An Act To Amend the Charter of the Farmington Village Corporation"

S.P. 418 L.D. 1204
(C "A" S-158)

Bill "An Act To Protect Aquifers"

S.P. 445 L.D. 1265
(C "A" S-157)

Bill "An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes"

S.P. 515 L.D. 1497
(C "A" S-154)

Bill "An Act To Update the Laws Governing Borrow Pits and Quarries"

S.P. 522 L.D. 1506
(C "A" S-155)

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

Sent down for concurrence.

Bill "An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses"

S.P. 448 L.D. 1268
(C "A" S-156)

READ A SECOND TIME.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-163) **READ and ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156) AND SENATE AMENDMENT "A" (S-163).

Sent down for concurrence.

ENACTORS

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

Act

An Act To Protect Motherhood

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

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

Senate at Ease.

Senate called to order by the President.

Senator **BRENNAN** 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 11:30 in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

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 Amend the Laws Governing Mobile Service Bars on Maine Golf Courses

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

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 Ensure Continued Federal Funding of the Maine Developmental Disabilities Council

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Amend the Waldoboro Utility District

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Allow Electronic Calling Devices for Hunting Moose

S.P. 88 L.D. 268
(C "A" S-80)

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 Promote Math and Science Education Learning Kindergarten to Grade 12

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

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

An Act To Support and Expand Regional Teacher Development Centers

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

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

An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance

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

On motion by Senator **WOODCOCK** of Franklin, 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 (#111)

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, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

ABSENT: Senator: NUTTING

EXCUSED: Senator: DAMON

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **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 Extend the Tax Credit for Clean Fuel Infrastructure Development

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

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

An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services

H.P. 262 L.D. 349

On motion by Senator **MAYO** of Sagadahoc, **TABLED** Unassigned, pending **ENACTMENT**, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Improve the Business Climate in Maine"

H.P. 837 L.D. 1219

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-276)** (6 members)

Tabled - May 11, 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 10, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 11, 2005, Reports **READ**.)

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 rise today to support the minority report. In the Natural Resources Committee, one of the representatives put a bill forth that would like the DEP to have an economist but we realized that probably was not practical so instead the sponsor of the bill and the minority members of this report wanted something from the department that said that they will be ever mindful of taking the position that they will be very supportive of the economy. The amendment amends the mission of the Department of Environmental Protection to direct the department to undertake the department's stated purposes with action that protects natural resources and public health but also promotes a sustainable economy. We feel that it was extremely important that the department sets off in a direction that says we want a wonderful and healthy environment but we have to be mindful of what it does to our businesses and we are able to encourage businesses and not stand in the way. Whatever we do, we need to take that into consideration. I felt that was really important as we move forward. I live in a district that has a lot of beautiful lakes and mountains, but we need businesses at the same time. We need jobs. The Commission of DEP was all for this. He thought it was a good idea. I'm asking you to, please, support the minority report. Thank you.

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

Senator **COWGER:** Thank you, Madame President and colleagues of the Senate. This bill, An Act to Improve the Business Climate of Maine, has a wonderful title, but as the good Senator just mentioned, this bill amends the mission of the Department of Environmental Protection. I don't think we have a mission that's broken in the Department of Environmental Protection. In fact, the DEP constantly looks at environmental impact as well as economic impact, especially when developing new rules. The Administrative Procedures Act, title 5 in state statutes, already says that, and this is actually for all state agencies, 'The agency shall consider all relevant information available to it, including but not limited to, economic, environmental, fiscal and social impact, analyses and statements.' Our current statute already requires agencies, including the DEP, to look at economic impact. I don't think this is an appropriate vehicle for amending the mission of the department. If we need to take a closer look at the DEP's mission, I think we should have a resolve to direct them to do so, require broader stakeholder input, but not to do it in the form of this legislation. I hope you will support the pending motion. Thank you.

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 pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon 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 (#112)

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

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

ABSENT: Senator: NUTTING

EXCUSED: Senator: DAMON

19 Senators having voted in the affirmative and 14 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 Today Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Connect the BETR Program with Job Retention" H.P. 755 L.D. 1102

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-300)** 4 members)

Tabled - May 11, 2005, by Senator **PERRY** of Penobscot

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

(In House, May 10, 2005, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

(In Senate, May 11, 2005, Reports **READ**.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Provide for the Efficient Administration of Scholarship Resources

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

Resolve, Directing the Department of Health and Human Services To Seek Federal Funding To Serve Immigrant and Refugee Populations in Need of Mental Health and Substance Abuse Treatment

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

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

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/10/05) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Establish the Homeland Security Relief Fund"
S.P. 387 L.D. 1125

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-140)** (8 members)

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

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

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

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

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I must admit up front, Madame President, this is just an example. We now, as of today, have about 21 bills on the Appropriations Table. It would be much better if I could stand up today and say I didn't vote for any of those because my argument would be better, but I did. I'm not going to say that I'm any more pure than anybody else here today about this, but I think this argument needs to be made about priorities. This is just an example. This is not any effort to say this bill or what we've done previously is either good or bad. This is a great idea. Homeland security and the setting aside of money is something we should do. I'm not arguing that this is something bad. It's something good. The question is, I think it's important to at least bring it up once, is it more important than solving our court security problem, that we will try to deal with this time? This is another example. We've been through a spring with some flooding. I live in a district that has a lot of dams, for instance. Is this more important than dealing with that problem, which probably won't be in front of us? It's not in the budget. We've done things about dams in this state in prior years. I'm just using this as an example, Madame President, of problems out there. This is one that we probably won't do anything about, won't try to do anything about. I just ask you to look at this putting money aside, in this case \$1 million that is reduced from the original \$3 million. Is it more important than court security? Is it more important than fixing dams in this state, which are in horrible disrepair? I have answered that problem, Madame President, and said no this time. I ask you to vote against the Ought to Pass Report and help us set priorities. 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. This is a disaster relief fund and it's needed in order for us to be able to obtain federal match for disaster relief monies that might come from Washington as well as money that can be used to help deal with disasters in local communities when there is no federal help available. The good Senator from York, Senator Nass, is right. We do deal with a variety of priorities and those are difficult decisions for us on the Appropriations Committee to make. It's important for us to have very important bills like this on the Appropriations Table so that we can weigh all those priorities and make those decisions at the end of the session. 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 rise today to support this bill. We've had a number of issues around the state and this bill is important as a disaster relief fund. I think some communities, especially in rural communities like where I come from, don't have the number of people to qualify under a lot of the federal programs that happen. Canton is a good example of that. In rural areas where floods happen or wind damage happens, rural communities don't qualify on the federal level because they don't add up to be 100 homes

or they don't add up to have 2,000 people displaced. This bill, I think, will help a lot of rural areas by helping us qualify and helping us get some monies to those towns that are in need. I think this is one of the things people in rural areas expect the state to do. They expect the state to have some kind of system so they can be helped when emergencies happen. That is one thing they believe that their government is going to do for them, and when they actually need it, there will be something there for them. Currently we have zero there for them and everybody has to try to go get the federal money to help in the real times of need. This is an emergency relief fund that helps out when the people need it. That's what we need. That's what we are here for. I would encourage you to vote for it.

On motion by Senator **ROTUNDO** of Androscoggin, 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 Sullivan.

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

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you, Madame President. It is my understanding that this is a match from the federal government. Is it a one-to-one match? Is this the only way we could qualify for the small communities if there was a disaster? Is this a contingency for us to get federal money? Thank you.

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President. I'm not sure exactly what the match is, but this is money for the federal match so that we, as a state, can access federal dollars for disaster relief. It's also a fund for those smaller communities such as Canton where we, as a state, do not qualify for federal relief. It's money that is necessary to be able to access federal funds but also to provide direct relief to smaller communities where we don't qualify for federal funds.

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

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. May I ask a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **HASTINGS:** Thank you, Madame President. My question would be, has the State of Maine ever been denied or failed to receive federal matching funds because we have not had this fund in existence?

THE PRESIDENT: The Senator from Oxford, Senator Hastings poses a question through the Chair to anyone who may wish to

answer. The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. Currently we are in a situation with the flood that happened two years ago in Canton. We are trying to generate matching funds so that we can draw down federal monies. The problem that we had is that we didn't have a bond issue. I had a bill in last time. We were trying to get some bond money for that. If don't have any access to generate state money to help the town to draw down federal money, you are in a losing situation because the feds will help if you qualify and if your town is big enough or if the disaster is big enough. If you are a town in rural Maine of 1,200 people and your downtown gets flooded and wipes out 20 houses, you don't qualify under the federal program. It's not fair. Just because it didn't happen to a lot of people doesn't mean that the same personal piece of that isn't effective for the rural areas. We need some state match money to come in and help. I really believe that the people of the State of Maine expect us to have some kind of fund to help them when a time of crisis comes. This isn't giving money out. This is a crisis time. We should have some money set aside so we can help our communities. That is the bottom line.

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

Senator **ROTUNDO:** Thank you, Madame President. I also would add that there have been numerous instances where local communities have had to wait up to a year to get funds from the state because they had to wait for the legislature to go back into session to appropriate this money.

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

Senator **NASS:** Thank you, Madame President. It was not my intent that we debate the contents of this bill. Apparently we are. I would have answered the Senator from Oxford, Senator Hastings' question differently. I would say that I'm not aware of any occasion where, if the community qualified; that money wouldn't be forthcoming. In other words, somebody is making a determination as to whether it was a disaster or not. There is a 25% match requirement, usually what the State of Maine does is the state provides 20% and the locality provides 5%. I think the worse example in our time was the ice storm. The legislature had a little trouble getting together for a few days. When we finally did, one of the first things we did was vote a lot of money, my recollection is \$25 million, for the state's match. It depends on the federal government declaring whether it is a disaster or not. It depends on us, as a state, raising some money and the locality raising some money. Can we fill in the gaps here? That is what this proposal is. Will this do it? It's a start. It's \$1 million. Do we want to get into this business of providing money? How much money? How much money is enough here? I don't know. I don't think this bill is a vehicle we ought to use to answer that question. It's a start. I think it's something we ought to spend a lot more time on figuring out whether we want to get in the business of setting up money and reserving money for disasters, some of which can be hugely expensive.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Actually two questions. One, where is the money going to come from? Two, where is the guarantee that this will not be an account that is swept for future use in budget shortfalls as has been in the last several years?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman 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. As far as I know, the answer is the General Fund is where the money is going to come from and there is no provision, at least that I recognize here, that indicates it could not be used for other purposes.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#113)

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

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

EXCUSED: Senator: DAMON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-140) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Promote the More Efficient Use of Natural Gas
H.P. 300 L.D. 397
(C "A" H-185)

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

An Act To Cap Tuition Rates by Schools in the Unorganized Territory
H.P. 353 L.D. 478
(C "A" H-203)

An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance
S.P. 167 L.D. 541
(C "A" S-105)

An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members
S.P. 221 L.D. 685
(C "A" S-121)

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 Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock
S.P. 161 L.D. 535
(C "A" S-88)

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:

ENACTORS

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

Resolves

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

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

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

Resolve, To Establish an Education Pilot Program for Registered Nurses

S.P. 129 L.D. 405
(C "A" S-100)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Statewide Building Code"

H.P. 347 L.D. 472

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-295)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**.

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

READ ONCE.

Committee Amendment "A" (H-295) **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 Perform Temporary Filling Procedures"

H.P. 481 L.D. 661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-294)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294)**.

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

READ ONCE.

Committee Amendment "A" (H-294) **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

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create a Graduate School of Biomedical Sciences at the University of Maine"
S.P. 530 L.D. 1528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-165)**.

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

READ ONCE.

Committee Amendment "A" (S-165) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Support Maine Sawmills and Lumberyards"
S.P. 12 L.D. 13

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166)**.

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

READ ONCE.

Committee Amendment "A" (S-166) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS

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

Joint Resolution

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

On motion by Senator **BARTLETT** of Cumberland (Cosponsored by Representative **BLISS** of South Portland and Senators: **BRENNAN** of Cumberland, **COWGER** of Kennebec, President **EDMONDS** of Cumberland, **WESTON** of Waldo, Representatives: **BRAUTIGAM** of Falmouth, **CURTIS** of Madison, **FLETCHER** of Winslow, **McLEOD** of Lee) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

REPORTS OF COMMITTEES

Senate

S.P. 619

Ought to Pass As Amended

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE A DOMESTIC NATURAL GAS POLICY

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act To Mandate Payment of Certified Deaf Interpreters for Driver Education Students"

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

S.P. 144 L.D. 446

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

WHEREAS, the price of natural gas in the United States, already the highest in the industrial world, has again spiked and shows continued volatility; and

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

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

WHEREAS, according to the federal Department of Energy, Energy Information Administration, total natural gas demand is projected to grow 48% over the next 25 years; and

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

WHEREAS, the United States and the residents, businesses and industries of Maine are increasingly reliant on natural gas, creating an imbalance between natural gas supply and demand; and

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel"

WHEREAS, higher natural gas costs are passed on to consumers in the form of spiraling home heating bills, more expensive food, higher costs for electricity and higher prices for many pharmaceuticals and consumer goods; and

S.P. 464 L.D. 1337

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167)**.

WHEREAS, energy rates in Maine recently increased by an estimated 40% and the bill for a typical residential heating customer is already projected to increase significantly for the 2005 fiscal year; and

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

READ ONCE.

Committee Amendment "A" (S-167) **READ** and **ADOPTED**.

WHEREAS, the volatility of gas prices is having a negative effect on electricity production, papermaking, metal treating and chemical, fertilizer, plastics, aluminum and steel producers as well as the agricultural sector; and

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

WHEREAS, the chemical and plastics industries of the United States, once leading exporters, now have large trade deficits, in part due to rising gas prices; and

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

WHEREAS, hundreds of jobs in the State of Maine are threatened in industries using natural gas as a raw material, including the businesses of papermaking and chemistry; and

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

WHEREAS, the pulp and paper industry in the State of Maine employs approximately 10,000 workers, contributing \$1,400,000,000 to the state economy in direct and indirect wages; and

WHEREAS, the plastics industry in the State of Maine employs more than 4,000 workers with \$723,000,000 in plastics industry shipments; and

WHEREAS, the business of chemistry in Maine employs 1,600 workers in 50 manufacturing facilities, with average wages of \$46,000 and foreign exports of \$52,000,000; and

WHEREAS, natural gas is the cleanest fossil fuel for producing electricity, and new combined-cycle power plants in Maine fueled by natural gas produce 99.9% less sulfur dioxide, 98% less nitric oxide and nitrogen dioxide, half as much carbon dioxide and 100% less mercury than the United States average fossil fuel fleet; and

WHEREAS, the natural gas imbalance is a multifaceted issue and will require various solutions, including increased production, improved energy efficiency, greater conservation and increased importation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that the Congress of the United States provide a domestic energy policy that ensures an affordable supply of natural gas to the Nation and we urge Congress to embrace a concerted national effort to promote greater energy efficiency and environmentally responsible natural gas production; and be it further

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

READ and ADOPTED.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Make Technical Amendments to the Maine Uniform Trust Code" (EMERGENCY)

S.P. 538 L.D. 1551

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

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Technical Changes to the Medical Licensure Laws"

H.P. 301 L.D. 398

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318)**.

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

READ ONCE.

Committee Amendment "A" (H-318) **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 Applicants for Limited Radiographer Licenses To Take Qualifying Views"

H.P. 880 L.D. 1283

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**.

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

READ ONCE.

Committee Amendment "A" (H-319) **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 Change the Definition of Promoting Prostitution in the Criminal Laws"

H.P. 163 L.D. 212

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-321).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321).**

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

READ ONCE.

Committee Amendment "A" (H-321) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Bail Conditions"

H.P. 270 L.D. 357

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-322).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322).**

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

READ ONCE.

Committee Amendment "A" (H-322) **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 Make Technical Changes to the Maine Criminal Code"

H.P. 693 L.D. 983

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-323).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-323).**

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

READ ONCE.

Committee Amendment "A" (H-323) **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 Certain Elderly or Incompetent Dependents"

H.P. 795 L.D. 1152

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-324).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324).**

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

READ ONCE.

Committee Amendment "A" (H-324) **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 Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching"

H.P. 867 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-325).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325).**

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

READ ONCE.

Committee Amendment "A" (H-325) **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

HOUSE REPORTS - from 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

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-231)** (6 members)

Report "B" - **Ought Not to Pass** (6 members)

In House, May 9, 2005, Report "A", **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)**.

In Senate, May 10, 2005, Report "B", **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **BRYANT** of Oxford, the Senate **ADHERED**.

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

ENACTORS

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

Emergency Resolve

Resolve, Requiring the Secretary of State To Develop Voting Systems Standards

H.P. 76 L.D. 100
(H "A" H-170 to C "A" H-129)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Study the Management and Fee Structure of Scarborough Beach State Park

H.P. 568 L.D. 803
(C "A" H-167)

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

Resolve

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Ethical Standards Regarding Former Legislators

H.P. 422 L.D. 589
(C "A" H-134)

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

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

COMMUNICATIONS

The Following Communication: H.C. 218

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 11, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
122nd Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby it accepted the Majority **Ought Not to Pass** Report of the Committee on Taxation on Bill "An Act To Encourage More Dentists To Practice in the State" (H.P. 443)(L.D. 610)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

MMM/sms

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**,
to Thursday, May 12, 2005, at 10:00 in the morning.