

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature

State of Maine

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

In Senate Chamber
Thursday
May 26, 2005

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

Prayer by Reverend Glenn Metzler of the Kennebec Mennonite
Church of Augusta.

REVEREND METZLER: President Edmonds and honorable
Senators of the State of Maine, greetings. I appreciate and thank
you for the invitation to spend a few minutes with you here this
morning. In preparation for this morning I thought about how the
state government and the churches in our communities work to
make our state a better place to live. I don't know if you have
ever thought about this relationship before or not that we share in
common, but it does exist. As Senators you are instrumental in
making laws that are beneficial to our state. As a pastor I teach
people to obey those laws because this is God's will for us.
People need to obey the laws, they need to pay the taxes of our
state because it is the right thing to do. The Apostle Paul said in
the book of Romans, chapter 13, versus 5 through 7, 'Therefore,
it is necessary to submit to the authorities, not only because of
possible punishment but also because of conscience. This is also
why you pay taxes, for the authorities are God's servants, who
give their full time to governing. Give everyone what you owe
him. If you owe taxes, pay taxes. If revenue, then revenue. If
respect, then respect. If honor, then honor.'

Both government and the church have been established by
God to carry out particular roles in society. May God guide us as
his servants to faithfully administer our God-given responsibilities.

King David from Old Testament Biblical times wrote this in
Psalms 5. He said, 'Give ear to my words, oh Lord, consider my
sighing. Listen to my cry for help, my King and my God, for to
You I pray. In the morning, oh Lord, You hear my voice. In the
morning I lay my request before You and wait in expectation.'

This morning I am sure there are many things that weigh on
your minds. It could be the responsibilities of your office as
Senator, the decisions you need to make today, the stresses that
are on you because of having to meet deadlines, or it may be
business or family issues back home. Whatever the case may
be, we have this time today to pray as King David did when he
prayed, 'Give ear my words, oh Lord. Consider my sighing.
Listen to my cry for help, my King and my God, for to You I pray.'
He goes on to say, 'Oh Lord, You hear my voice.' We lift our
needs to the Lord knowing that he hears our prayer. In the
morning we lay our requests before the Lord and wait in
expectation for the answer. I invite you this morning to lay your
request before the Lord as I pray.

Lord, this morning I thank You for the opportunity to be with
these men and women who serve the people of our state as
Senators. I ask that You would give ear to their words and their
cries for help. Grant them wisdom to make right decisions today
because apart from Your guidance it can be hard to know right

from wrong. Bless each person here today with a clear sense of
direction for the day. Help them to make right decisions under the
stress of deadlines. Lord, I pray that there would be unity in order
to efficiently accomplish the tasks of this day. Bless this day so
that at its end we may be able to say, 'This was a great day, I
experienced God in this day.' May the Lord bless and keep you;
the Lord make his face shine upon you and gracious to you; the
Lord turn his face towards you and give you peace. Amen.

Doctor of the day, Dr. Lisa Letourneau of Scarborough.

Reading of the Journal of Wednesday, May 25, 2005.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **BRENNAN** of Cumberland, the following Joint Order:
S.P. 629

ORDERED, the House concurring, that when the House stands
adjourn it does so until Tuesday, May 31, 2005, at 9:00 in the
morning and the Senate does so until Tuesday, May 31, 2005, at
10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND
LOCAL GOVERNMENT** on Bill "An Act To Improve the Efficiency
of the Legislature"

H.P. 567 L.D. 802

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-447)** (12 members)

Minority - **Ought Not to Pass** (1 member)

In House, May 24, 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-447)**.

In Senate, May 25, 2005, Reports **READ** and on motion by
Senator **MARTIN** of Aroostook, the Bill and accompanying papers
INDEFINITELY POSTPONED, in NON-CONCURRENCE.

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

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **ADHERED**.

Non-Concurrent Matter

Bill "An Act To Create Freedom of Citizen Information Regarding Ballot Questions and Political Action Committees"
H.P. 648 L.D. 929
(C "A" H-412)

In Senate, May 20, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412) AS AMENDED BY HOUSE AMENDMENT "A" (H-503)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** Unassigned, pending **FURTHER CONSIDERATION**.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Strengthen the Animal Welfare Laws"

H.P. 1036 L.D. 1473

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**.

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

READ ONCE.

Committee Amendment "A" (H-502) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Student Code of Conduct"

H.P. 419 L.D. 564

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333)**.

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

READ ONCE.

Committee Amendment "A" (H-333) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts

H.P. 47 L.D. 51

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-495)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)**.

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

READ ONCE.

Committee Amendment "A" (H-495) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Regarding Divorce and Marital Property"

H.P. 454 L.D. 621

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-496)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)**.

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

READ ONCE.

Committee Amendment "A" (H-496) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation"

H.P. 460 L.D. 627

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497).**

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

READ ONCE.

Committee Amendment "A" (H-497) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint"

H.P. 866 L.D. 1248

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-498).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498).**

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

READ ONCE.

Committee Amendment "A" (H-498) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Assist in the Investigation and Prosecution of Theft Offenses"

H.P. 973 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-499).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499).**

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

READ ONCE.

Committee Amendment "A" (H-499) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Family Law Advisory Commission"

H.P. 1054 L.D. 1502

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-500).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500).**

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

READ ONCE.

Committee Amendment "A" (H-500) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Uniform Health-care Decisions Act Concerning Personal Representatives under Federal Law"

H.P. 1105 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501).**

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

READ ONCE.

Committee Amendment "A" (H-501) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase Access to Information Regarding Referendum Questions"

H.P. 621 L.D. 870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505).**

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

READ ONCE.

Committee Amendment "A" (H-505) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Allowing Liquor Tasting Events"

H.P. 886 L.D. 1289

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-506).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506).**

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

READ ONCE.

Committee Amendment "A" (H-506) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1174 L.D. 1665

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509).**

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

READ ONCE.

Committee Amendment "A" (H-509) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restore Funding for the Reading Recovery Program"

H.P. 1138 L.D. 1615

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-464).**

Signed:

Senator:
SCHNEIDER of Penobscot

Representatives:
DAVIS of Falmouth
FINCH of Fairfield
EDGEComb of Caribou
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
CAIN of Orono
MERRILL of Appleton

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

Signed:

Senators:
MITCHELL of Kennebec
TURNER of Cumberland

Representatives:
NORTON of Bangor
MAKAS of Lewiston
LANSLEY of Sabattus

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-464).**

Reports **READ**.

Senator **MITCHELL** of Kennebec moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol"

H.P. 738 L.D. 1085

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-455)**.

Signed:

Senators:

GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:

FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-456)**.

Signed:

Senator:

PLOWMAN of Penobscot

(Representative **MOORE** of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-455)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)** thereto.

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** 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 TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report, in concurrence.

Senate

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify the Laws Governing Agricultural Composting Operations"

S.P. 381 L.D. 1064

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

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

READ ONCE.

Committee Amendment "A" (S-256) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BROMLEY** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify Warranty Practices between Manufacturers, Distributors and Dealers of Power Equipment, Machinery and Appliances"

S.P. 208 L.D. 653

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

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

READ ONCE.

Committee Amendment "A" (S-258) **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 Amend the Laws Governing the Manufactured Housing Board"

S.P. 525 L.D. 1509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-260).**

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

READ ONCE.

Committee Amendment "A" (S-260) **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 Amend the Laws Concerning Registration of Engineers"
S.P. 537 L.D. 1548

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

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

READ ONCE.

Committee Amendment "A" (S-257) **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 Exempt Internet Sales from the Definition of 'Auction'" (EMERGENCY)
S.P. 618 L.D. 1670

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

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

READ ONCE.

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Fair MaineCare Payments to Critical Access Hospitals" (EMERGENCY)
S.P. 231 L.D. 694

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

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

READ ONCE.

Committee Amendment "A" (S-262) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Parity in the Laws Governing Smoking in the Workplace"
S.P. 294 L.D. 886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-261).**

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

READ ONCE.

Committee Amendment "A" (S-261) **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 Add Value to Maine Agricultural Products" (EMERGENCY)
S.P. 462 L.D. 1335

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

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

READ ONCE.

Committee Amendment "A" (S-263) **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 Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act"
S.P. 518 L.D. 1500

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-264).**

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

READ ONCE.

Committee Amendment "A" (S-264) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"
S.P. 468 L.D. 1341

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-255).**

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

READ ONCE.

Committee Amendment "A" (S-255) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence"

S.P. 237 L.D. 700

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
WOODBURY of Yarmouth
CLOUGH of Scarborough
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" (S-267).**

Signed:

Senator:

COURTNEY of York

Representatives:

CLARK of Millinocket
BIERMAN of Sorrento
PINEAU of Jay
McCORMICK of West Gardiner

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

S.P. 310 L.D. 902

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
PINEAU of Jay
HUTTON of Bowdoinham
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-266).**

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport

Reports **READ**.

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

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

SECOND READERS

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

House

Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates"

H.P. 20 L.D. 17

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

House As Amended

Bill "An Act To Protect Dogs That Are Left Outside"

H.P. 155 L.D. 204
(C "A" H-484)

Bill "An Act To Eliminate the State Planning Office"

H.P. 211 L.D. 286
(C "B" H-476)

Resolve, To Establish 3-1-1 as a Statewide Business Assistance Services Line

H.P. 584 L.D. 825
(C "A" H-475)

Bill "An Act To Improve Sentencing for Serious Offenders"

H.P. 680 L.D. 970
(C "A" H-474)

Bill "An Act To Change the Name of the Governor Baxter School for the Deaf"

H.P. 691 L.D. 981
(C "A" H-481)

Resolve, To Recognize Alton as a Host Community with Regard to the West Old Town Landfill

H.P. 729 L.D. 1076
(C "A" H-490)

Resolve, To Establish Energy Standards for Residential Rental Properties

H.P. 751 L.D. 1098
(C "A" H-487)

Bill "An Act Relating to Disclosures in Political Advertising"

H.P. 771 L.D. 1118
(C "A" H-451)

Bill "An Act To Require Notification from the Department of Environmental Protection and the Maine Land Use Regulation Commission upon Permit Application, Issuance and Denial"

H.P. 804 L.D. 1161
(C "A" H-477)

Resolve, To Encourage Personal and Family Financial Management Education (EMERGENCY)

H.P. 916 L.D. 1318
(C "A" H-463)

Resolve, To Develop a Statewide Entrepreneurship Curriculum from Kindergarten through College

H.P. 964 L.D. 1387
(C "A" H-482)

Bill "An Act To Amend Certain Milk and Milk Products Laws"

H.P. 990 L.D. 1426
(C "A" H-470)

Bill "An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands"

H.P. 1006 L.D. 1442
(C "B" H-486)

Resolve, To Establish a Responsive, Community-based, Cost-effective and Comprehensive Adult Mental Health System

H.P. 1060 L.D. 1515
(C "A" H-479)

Resolve, Directing the Department of Inland Fisheries and Wildlife To Coordinate and Facilitate Salmon and Brook Trout Habitat Restoration Efforts

H.P. 1161 L.D. 1648
(C "A" H-483)

Bill "An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment"

H.P. 1166 L.D. 1652
(C "A" H-493)

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

Bill "An Act To Prohibit a Registered Sex Offender from Residing within 1,000 Feet of the Residence of Any Child, a School, Day Care Center or Playground"

H.P. 207 L.D. 282
(C "A" H-471)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Concerning the Disclosure of Juror Information"
S.P. 63 L.D. 157
(C "A" S-244)

Bill "An Act Relating to Animals in Food Stores and Restaurants"
S.P. 163 L.D. 537
(C "A" S-245)

Bill "An Act To Require that Division Heads within the Department of Agriculture, Food and Rural Resources Be Unclassified"
S.P. 270 L.D. 815
(C "A" S-249)

Bill "An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce"
S.P. 300 L.D. 892
(C "A" S-241)

Bill "An Act To Protect Maine Harness Racing from Illegal Wagering"
S.P. 370 L.D. 1053
(C "A" S-246)

Bill "An Act To Encourage the Purchase of Meat Produced without Nontherapeutic Antibiotics"
S.P. 388 L.D. 1126
(C "A" S-250)

Bill "An Act To Establish Duties for Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities"
S.P. 407 L.D. 1179
(C "A" S-248)

Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships"
S.P. 424 L.D. 1210
(C "A" S-247)

Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Program
S.P. 482 L.D. 1393
(C "A" S-240)

Bill "An Act To Compensate the Gambling Control Board" (EMERGENCY)
S.P. 571 L.D. 1597
(C "A" S-253)

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 Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals
H.P. 1121 L.D. 1585
(C "A" H-440)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection
H.P. 458 L.D. 625
(C "A" H-446)

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.

Emergency Resolve

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset
H.P. 1120 L.D. 1584
(C "A" H-441)

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

Acts

An Act Regarding the Management and Use of Sears Island
H.P. 202 L.D. 277
(C "A" H-439)

LEGISLATIVE RECORD - SENATE, THURSDAY, MAY 26, 2005

An Act To Require the Fair Application of the Mechanic's Lien Law

S.P. 178 L.D. 570
(C "A" S-230)

An Act To Protect Maine's Groundfishing Industry

S.P. 205 L.D. 650

An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians

S.P. 230 L.D. 693
(C "A" S-229)

An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans

H.P. 818 L.D. 1189
(C "A" H-452)

An Act To Sustain Maine Schools and Libraries

S.P. 439 L.D. 1259
(S "A" S-201 to C "A" S-116)

An Act Regarding Criminal Use of an Electronic Weapon

H.P. 868 L.D. 1271
(C "A" H-449)

An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing

S.P. 467 L.D. 1340
(C "A" S-216)

An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers

S.P. 469 L.D. 1342
(C "A" S-227)

An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity

H.P. 1062 L.D. 1517
(C "A" H-448)

An Act To Assist Towns with the Implementation of the Laws Governing Growth Management

S.P. 551 L.D. 1574
(C "A" S-221)

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 Exempt Military Pensions for Future Military Retirees from State Income Tax

H.P. 682 L.D. 972
(S "A" S-214 to C "A" H-191)

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

An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management

H.P. 902 L.D. 1305
(C "A" H-403)

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

Resolves

Resolve, To Ensure Proper Handling by the E-9-1-1 System of Calls Made by Persons Who Are Deaf, Hard-of-hearing or Speech-impaired

S.P. 594 L.D. 1612
(C "A" S-228)

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

Resolve, Directing the Secretary of State To Design a Pilot Program for Early Voting

S.P. 401 L.D. 1173
(C "A" S-225)

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

Resolve, To Establish the Study Commission Regarding Liveable Wages

H.P. 854 L.D. 1236
(S "A" S-213 to C "A" H-232)

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

Resolve, To Evaluate the Possibility of a Moose Hunt in Southern Maine

H.P. 911 L.D. 1313
(C "A" H-450)

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

Senate at Ease.

Senate called to order by the President.

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

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

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

Senator **BRENNAN**: Thank you, Madame President. Given the fact that I've had more of a tendency to forget things and not everybody is in their place at the same time, I want to make an announcement now so I won't forget it later. The good Senator from Kennebec, Senator Mitchell, is going to graduate this Saturday from law school. I think that this is a noteworthy accomplishment and something that we should all recognize. Congratulations.

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

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

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

After Recess

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restore Funding for the Reading Recovery Program"

H.P. 1138 L.D. 1615

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-464)** (8 members)

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

Tabled - May 26, 2005, by Senator **MITCHELL** of Kennebec

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

(In House, May 25, 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-464).**)

(In Senate, May 26, 2005, Reports **READ**.)

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

Senator **MITCHELL**: Thank you, Madame President. I would like to speak briefly to why I moved the minority Ought Not to Pass report. It is not an indictment of reading recovery. It is a very successful program. I have a grandson who has learned to read under reading recovery. However, there are \$15 million available to those schools who want to use reading recovery through our transitional funds, through our school funding formula, and federal grants. Only 96 school units of the 285 school units in the state use reading recovery. It's a small, local cost. The department is assisting those who want to continue with it for the teacher training with the university. Of the 96, 58 have already said they are going to continue no matter what we do. The bottom line is appropriating another \$1 million, which really isn't needed.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence"

S.P. 237 L.D. 700

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-267)** (5 members)

Tabled - May 26, 2005, by Senator **PERRY** of Penobscot

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

(In Senate, May 26, 2005, Reports **READ**.)

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 Piscataquis, Senator Davis.

Senator **DAVIS**: Thank you, Madame President and colleagues in the Senate. Very briefly, this bill would address a problem that is fairly severe in some areas of our state due to the downgrading of our papermills and the break up of large tracts of land. For many, many years, in many communities such as Millinocket and other communities, people were told to lease a piece of land from the company. If you leased the land, you would have it forever. You could build whatever you wanted to build. It was just like owning it yourself. Well, that story didn't hold true forever. What has happened is that the land has been broken up and in some cases people have been forced off the property after huge investments and have had to leave what is their home where they raised their families and lived their lives. They have been forced to leave. There have been several attempts to try to correct this problem. Most of them have met with failure in the legislature, all the way from imposing different rules and regulations on the landowners to a number of other things. After getting well acquainted with a bunch of people in the Millinocket area and going out to Amsajejus Lake, North Twin and South Twin Lakes last summer and fall, I thought about it quite a bit and had reviewed some of the legislation. I thought that maybe an incentive would be a better way to do it. That is what this does. If a company decides to sell, they get a tax break. I talked with some people from Domtar up in Washington County just the other day. They have 80 leases on, I believe, one of the grand lakes up there. They say it hardly pays them to administer the program. What they get out of the leases is not enough for them. They would love to sell it if they didn't take a big loss in revenue. That is basically the gist of this. It's to encourage them to sell to the little people so these little people can own the land their homes are on. Thank you.

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

Senator **PERRY**: Thank you, Madame President, ladies and gentlemen of the Senate. I am on the Ought Not to Pass side of this report and I thought I'd give you just a brief overview of how I arrived there. I do not disagree with anything the good Senator from Piscataquis, Senator Davis, said. Unfortunately, we don't think this bill addresses the problem. Everything he said I believe is accurate, but the fiscal note is \$30,000 to set up the programming, \$85,000 in 2005/2006, \$98,000 in 2006/2007. That is a tax break that we are awarding the folks who are doing this to the leaseholders. We are rewarding them with \$85,000, and \$100,000 next year, and we just don't think that is enough to encourage them to do anything to help the leased landholders. It's just a give-away to them. It is a problem that needs addressing. We just didn't believe this adequately did it. That's our side. Thank you.

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

Senator **HASTINGS**: Thank you, Madame President, ladies and gentlemen of the Senate. As the good Senator from Penobscot, Senator Perry, put it out, if there is a reward, we are only rewarding these people if they actually sell the land. They are not going to get a tax break unless they actually sell the land.

We've seen it in other committees. There is a tremendous tension right now between the landowners and the traditional leaseholders. The sort of benign ownership from the past, as the

Senator from Piscataquis, Senator Davis, indicated, is disappearing. It's disappearing because of money, because of land values. How do we do this? I think everybody wants to find a way to ease the transfer of the ownership, or encourage it, from the landowner to the leaseholder so the people can own the land under their camps that they have had for generations. There is not much of a hammer we can use. The property laws protect the rights of the owner. You can't force someone to sell. You can't make them do things with their property that they don't want to do, sell or transfer below market value. We have to look at a way to encourage the sale another way. To me this is a good way to do so. If we can offer some incentive to these landowners, who now have very valuable pieces of land, to transfer them and sell them to the homeowner or the cottage owner then we have accomplished something here. This is something we can do. It's not a huge expense, but it does give an incentive to these large landowners to actively pursue the transfer of the title to the individual cottage owner or homeowner who has had this in their family for years. Anything we can do to encourage that transfer we should do. Yes, there is a cost, but it's not a huge cost. It would be a huge benefit to those leaseholders. Thank you.

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

Senator **DAVIS**: Thank you, Madame President. I thank the good Senator from Penobscot, Senator Perry, for his kind remarks. I understand his thinking on it. I would say only in addition that the reward will really be to the people who live on the land. That's where the great reward will go. It won't be the money that gets to the stockholders or whoever in the company. The reward will be for the people who have lived there, raised their families there, and in some cases, put their life's blood into it. Thank you, Madame President.

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

Senator **RAYE**: Thank you, Madame President. I just rise to join the Senator from Piscataquis, Senator Davis, and the Senator from Oxford, Senator Hastings, in urging a support for this bill. There is a great deal of anxiety across our state today on the future of the woods, the Maine woods. Imagine the degree of anxiety you would feel if the future of your very home is at stake. This is what we are talking about, people whose homes are at stake in this debate. This bill, for a relatively minor cost, encourages large landowners to do the right thing. It takes away one impediment to their willingness to sell these lots to the people who make their homes there. I hope, for the future of these Maine citizens, that we can come together and support this bill. 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 have a camp in an area that has leased land. I'll be supporting the good Senator from Penobscot, Senator Perry, and his report. My fear is the unintended consequences. In my particular area, for example, the large landowner has recently decided that they are going to sell the property. People who have been paying relatively reasonable

leases are being forced to buy the property at fair market value, which can be over \$100,000 because some of it is lakefront property. Actually they have 60 days to make a decision. If they chose not to buy the land, they have a year to get their property off it or sell it in some way. That means the camp itself. I don't think I'd be interested in providing additional incentives for companies. If companies want to do the right thing they can certainly do the right thing.

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 (#185)

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

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

ABSENT: Senator: PLOWMAN

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator PERRY of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-267) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

S.P. 310 L.D. 902

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-266)** (6 members)

Tabled - May 26, 2005, by Senator PERRY of Penobscot

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

(In Senate, May 26, 2005, Reports **READ**.)

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

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

Senator COURTNEY: Thank you, Madame President, men and women of the Senate. This bill, L.D. 902, is an attempt to change the way we value property. I think if you look across the state and the increases in value, you'll find that it's driving people from their homes; it's forcing people to sell. Years ago property tax was a symbol of wealth. Today property is more of a symbol of a mortgage for people. What happens is if someone buys a home, for instance, for \$100,000 and someone decides to build a home next to them for half a million dollars, they could afford the \$100,000 home when they moved in there but they can't afford the increased assessment because of what their neighbors do. This would change the way that we value property.

Recently, I guess it's been about a year and a half ago or two years ago, the Maine Mall sold for \$265 million. If the town of South Portland had been keeping up with the equalized valuation, you would think the basis at the time of sale would have been somewhere near that figure. However, at the time of the sale, it was on the books for \$135 million, leaving approximately \$130 million in untaxed property. Clearly there is a distinct inequity with today's system. While this isn't a perfect way, this change would base it on ability to pay and it would create equality for everyone because everyone would have that basis of what they paid for their property, what they acknowledged they were willing to pay for that property, and what they could afford. Everyone would be offered that same protection.

Ladies and gentlemen, I would encourage you to take a step out. It's a bold step. It's changing the way we value property in this state. I submit to you that what we are doing now is not working. Look along the coast and look at our friends over at Peaks Island. It isn't just that. It's inland. It's low valuation communities like my own; in Sanford, where people are struggling because property values are increasing so fast that the people can't survive and they can't pay their taxes. Some will argue that you ought to sell your home and you'll get this big windfall. I would respectfully submit to those that feel that way that no one in this state should be forced to sell their home because of property taxes. There ought to be some things that are untouchable in this state. Madame President, thank you.

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

Senator PERRY: Thank you, Madame President, ladies and gentlemen of the Senate. It's a tempting bill to consider. It really has some interesting characteristics or qualities that are worth

considering. However, this is as dramatic a change of tax policy as anything we've considered. In fact, in some communities, like South Portland, it probably would have been a good thing if it were in place. However, it does create a lot of other issues and problems, particularly for young folks starting out or trying to move into their first house, into a community. It actually creates problems for elderly folks who may be retired. They may have a big house that they've owned for years, with a very low property tax bill because their basis is so low. They may want to move out of this big house. It's too much for them. Costs too much to heat, too much upkeep on the grounds and the yard. To move into a small, three bedroom ranch house may quadruple their property tax bill because of the growth in valuations. They may have a house that they can sell for a lot of dough and can't afford to move into something smaller. It really wouldn't have that big an effect in the first few years, but over time it is going to make a dramatic shift to the folks who are starting out and buying homes for the first time. It's really such a huge shift. I don't think it is one that we need to move forward with right now. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I agree that there is a serious problem here that needs to be addressed. The problem I have with this particular approach is, as the Senator from Penobscot, Senator Perry, said we're passing a lot of cost on to new homebuyers. I spent a lot of time over the last few years talking with young people who want to return to Maine, people who would love to come back here to live, work, and raise their families. It's hard. Salaries are relatively low. The cost of living is relatively high. What this would do is impose an onerous tax burden on those people trying to come home. I would ask you to consider this bill and consider if we want our children to have the same opportunities to come back to Maine and buy a house that we had. If this passes, we will become a place you can only get to much later on in life when you have much more significant assets.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I appreciate the comments because I think that this is the exact reason why we need to do something and we need to do something quickly. The longer we put off doing something, the more difficult it is going to be to do this. As for the young folks buying new homes, when you buy a home, you buy a home based on your ability to pay. The paying of the taxes based on the valuation that you can afford, which seemed to be a way to take the property tax and move it towards ability to pay. I think the elderly is a classic example of why we absolutely need to do this. We have elderly people in this state that are forced out of their homes, are forced to sell their homes and 'cash in'. I know there is not a lot of sympathy for someone with an expensive home and a lot of equity, but I think there should be some sympathy for people that have lived in this state for a long period of time. They ought to have some protection and not be forced to sell their homes. Even though they have the asset, it's only worth something when they sell it. It's not worth anything while they live in it.

The other thing to take into consideration, I honestly believe that this could be a potential windfall for valuation for communities because if you look at the average home that gets sold every 5 to 7 years, I think that you will see that the valuation base for the town will most likely increase. I can give you a classic example. Over in my old House district, over in Lebanon, I was talking to the town clerk one day. She was telling me how property values are skyrocketing. They just sold a little ranch for \$150,000. I said, 'Laura, what is that valued at on the tax rolls?' She said, 'Well, it's about \$85,000.' As in South Portland with the Maine Mall, here we are missing all that valuation. When that valuation is missed, it needs to be subsidized. I would contend that this is an alternative to the way things have been going. I think it's a good one. It has some parts of L.D. 2, which I know there was some support for. I would urge you to defeat the pending motion and move Ought to Pass. Thank you.

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

Senator **GAGNON:** Thank you, Madame President. I hadn't intended to speak on this bill, but there are some concerns about what it would do, particularly to my municipality. We don't have the same typical problem that you do in other areas. First of all, just let me go back to my days in the Taxation Committee and remind people that valuations are not a problem. High valuations are a problem. Everybody loves high valuations because that means that your investment has gone up. You want to have a high valuation. It's the tax rate that is applied to that valuation that is the problem. If you artificially bring valuations down on certain properties, that is going to force the rate in that municipality in order to make up the difference. The rate that is applied to those valuations is going to have to go up. In my community the rate is just short of 30 mills. The state average is 17. The problem in my community is two-fold. For those people who are along the coast and the elder people who live there, who bought their house for maybe \$50,000 or \$70,000 and are now finding that property is worth \$200,000, in Waterville we would say, 'Wow, if we could only have that problem.' The problem in my community is the tax rate has dramatically gone up because the wealth has left the city because of a lot of exemptions, because of TIFs, because of other programs that has sent the valuation higher. It's one of those service centers that is declining. The rate has gone up. Often times people don't have the option of cashing out because when you try to cash out and say, 'Gee, I just can't afford this rate any more and I'm going to move someplace else and into a smaller community,' guess what? The market is down. You can't sell. I just think this goes at the problem. I understand the problem and I have a lot of sympathy for those who are working on this, but the problem is not the valuations, the problem is the rate. That is one of the things I liked about L.D. 1, you funnel more education money into the community and you funnel more revenue sharing in the community. When you funnel more into revenue sharing, which really goes at those higher mill rate communities, you are going at the real problem, which is the rate. After all, we all want our valuations to go up. That's why we buy a home rather than renting an apartment for 40 years. We want that investment to go up. It's not a valuation problem, necessarily. It's a rate problem. I just fear that this is going to drive the rates up because you are going to have to make up for it someplace else. I am also concerned, Madame President, about the cliff that would be

created. Now suddenly you have a home that the homeowner is paying taxes of, let's say, \$1,200 a year, basically \$100 a month. They've kept that home for 20 or 30 years and then they want to sell it. Maybe they will find a buyer, but guess what, that new buyer coming in, instead of paying \$1,200 for the year, will be paying three times that because the valuations have gone up. That is the problem when municipalities don't adjust their valuations. Keep in mind that, if in fact the city of South Portland was not adjusting the mall, they were breaking state law. The municipalities are obligated under state law to do adjustments on a regular basis. They need to be at 100% value. That's done on a regular basis in most municipalities. If that is the problem that was created in the town of South Portland then they need to be a little more aggressive in going after what the market value is of those pieces of property. I would encourage you to support the pending motion. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. This will be my last time. I appreciate the comments and I appreciate the perspective of the Senator from Kennebec, Senator Gagnon, because having sat on the Taxation Committee, I know that he really understands this issue very well. He did bring up L.D. 1 and I guess I would contend that the other night I went home to a town meeting and I was somewhat surprised that L.D. 1 isn't working out quite the way that I had thought it would, especially being the Senator from the community that received more money than any other community in this state. I can pass along to my fellow members that there was no tax relief from L.D. 1 with the new money that was sent down. The entire \$4 million was spent on education and new municipal spending.

THE PRESIDENT: The Chair will remind you to keep your remarks to the issue at hand.

Senator **COURTNEY:** Thank you. I will do my best. Having said that, the issue that found with the valuation is that a lot of communities aren't getting the valuations. I think that is the exact case. Communities are not going after all the valuation that exists. I think if you look at Portland, for instance, there has been a real opposition to doing valuations. Granted it gets equalized when you do the state funding, but locally the shift is already very inequitable. I would just leave that and thank you, Madame President. Sorry I got a little off track there.

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 (#186)

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

NAYS: Senators: ANDREWS, BROMLEY, COURTNEY, DAMON, DAVIS, MILLS, NASS, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: PLOWMAN

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Resolve

Resolve, Directing the Secretary of State To Design a Pilot Program for Early Voting

S.P. 401 L.D. 1173
(C "A" S-225)

Tabled - May 26, 2005, by Senator **BRENNAN** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 24, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225).**)

(In House, May 25, 2005, **FINALLY PASSED.**)

On motion by Senator **BRENNAN** of Cumberland, 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 (#187)

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

ROLL CALL (#188)

NAYS: Senator: COURTNEY

ABSENT: Senators: ANDREWS, MILLS, NUTTING,
PLOWMAN, TURNER

29 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 5 Senators being absent, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Resolve, To Evaluate the Possibility of a Moose Hunt in Southern Maine

H.P. 911 L.D. 1313
(C "A" H-450)

Tabled - May 26, 2005, by Senator **BRENNAN** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 24, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**, in concurrence.)

(In House, May 25, 2005, **FINALLY PASSED**.)

On motion by Senator **BRENNAN** of Cumberland, 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 Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. Just a quick comment. This resolve points towards the Department of Inland Fisheries and Wildlife so that they might be able to evaluate the moose hunt, and in so doing, they are going to be able to gather the information taken from those who are directly impacted, the citizens of southern Maine. I realize how contentious this appears on the surface. This is not a resolve that enacts a moose hunt. It is a resolve that studies a moose hunt and there are areas in southern Maine that have a very large population of moose. Also true, obviously, are the areas that already have the moose hunt in place. I realize how contentious this is to some people, but this is going to be a departmental decision. It says they may bring forth a bill if they chose to do so. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is Final Passage. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

NAYS: Senator: BRENNAN, COWGER, STRIMLING,

ABSENT: Senators: ANDREWS, MILLS, PLOWMAN, TURNER

28 Senators having voted in the affirmative and 3 Senator having voted in the negative, with 4 Senators being absent, was **FINALLY PASSED** 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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create a Nonprofit State-run Insurance Plan"

H.P. 1047 L.D. 1490

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

Signed:

Senators:
SULLIVAN of York
MAYO of Sagadahoc
MILLS of Somerset

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-515)**.

Signed:

Representatives:

PERRY of Calais
BRAUTIGAM of Falmouth
HARLOW of Portland

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

Reports **READ**.

On motion by Senator **MAYO** of Sagadahoc, 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 **LABOR** on Bill "An Act To Modify Labor Laws with Regard to Minor Workers"
H.P. 865 L.D. 1247

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

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 To Pass as Amended by Committee Amendment "A" (H-409)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

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

Reports **READ**.

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

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 stand here today to ask you to please not support the majority Ought Not to Pass report and go on to support the minority Ought to Pass as Amended report. This amendment raises the limit of work hours for a 17 year old while school is in session from 20 hours per week to 30 hours per week if a 17 year old provides proof to the employer of achievement of an over all grade of a B average for the prior semester. The amendment also raises the limit on work hours for 17 year olds while school is in session from 4 hours per day to 6 hours per day. I'm asking you to support this because there are many teenagers that are in their Junior or Senior year that are incredibly good students. We have a lot of Boy Scouts and Eagle Scouts in my district that are just amazing. They find the time to be able to do the extracurricular activities. They also find the time to be able to work. Ladies and gentlemen, they are already working over the time limit in many instances. A lot of these kids need the extra work in order to help their families or to put away for school. We all know how expensive college is and many of these kids are very earnest and working second jobs so they can put away money for the college education or just to have spending money that they need. A B average is a really good grade. I think we ought to allow these kids to work a little extra time if they wish to. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I appreciate the comments but our children grow up fast enough as it is. Twenty hours a week is plenty of time. We want our young people to be focusing their attention on school and the work that they have to do there, and their extracurricular activities. Those are things that help them to grow and help them to learn. Twenty hours a week of working is enough. They can help support their families that way. I would certainly contend that if we want to help those families, there are much better ways that we could be doing it than having their children have to go out and work an additional 10 hours a week to be able to help them pay the rent.

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 Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I will assure the good Senator from Cumberland, Senator Strimling, that children do grow up too quickly. My wife and I were fortunate enough and blessed enough to raise four children of our own. The youngest is now 25 years old, which places me somewhere in the upper 40's if you

are calculating. The issue at hand here is a matter of responsibility. The world is a different world today. When we address the hours worked under the current law of 20, if you remove the possibility of the hours worked on Saturday, you have minimal hours left for the remainder of the week. The students who get out of school at noontime or 1 o'clock for a variety of reasons, all legal I hope. These are high school students who are 17 years old and Juniors in high school or sometimes Seniors in high school. Therefore, these students would have the opportunity to work for 2 hours a day. If they have a B average, I'm asserting to you that they are able to work more than 2 hours a day and keep that B average. It is a matter of responsibility. It has been my honor in my career to have had over 3,500 students in high school. Of those 3,500 students, not a majority of them worked 20 hours a week. However, many in the minority had to work 20 hours a week, were capable of working 20 hours a week, were capable of working 30 hours a week and maintaining a B average. I believe they should have the choice in doing so. The world in which we live today is a different world. It is often out of necessity that they work. I fully appreciate the good Senator from Cumberland, Senator Strimling's sentiments about what would be the best case scenario for these children. I assure you, Senator, I feel the same way. Unfortunately, it is not the real world, as they say today. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I have a 17 year old and he's a pretty ambitious little guy. You are right, Senator, they do grow up too fast. It's sometimes saddening because if you blink it's gone. I think, as the good Senator just mentioned, that it's changed. Schools have changed so much. You have the block scheduling where they may go in for three or four hours and then they are out at noon. These kids want to work, in many cases. In some cases, although we put this law in place that limits it to 20 hours, I think that all they have to do is get another job, if that is what they want to do, and they exceed it. I don't know what the existing law does. There are so many ways around it for them. I think we should treat 17 year olds today as adults and if they can maintain a B average, which is pretty impressive, they ought to have the opportunity to work. I think you learn so much when you go to work and you develop responsibilities. I think that could be a good thing. Not all kids are cut into the mold of going to school. While the education is important, different people have different capabilities. I think that we need to recognize that. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. Just briefly. This is not that different of a world. It was 1991 that we put this in. Even I was out of high school by 1991. It was not that long ago when we put these rules in place. They were put in place by the Department of Labor, by the business community, and by the Department of Education. They all stood up. This legislature said, 'These are the rules that we need to put in place' and they put them in. It was not even 15 years ago. I think we have seen, in the State of Maine, that we have an excellent

education system for K-12. Our kids do a great job of getting through and graduating. Let's not mess with that today.

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. This is 2005 and time has moved on. We're not asking for Freshmen or Sophomores. I would not support this if this were Freshmen or Sophomores. The original bill called for a C average. I said, 'No way.' A C average is just barely there, as far as my parents, who were very strict with me. If we got a C it was not good. By maintaining a B average, this means that student is doing everything they can. They are going to school and they are earning that grade. I think that is very important. I totally agree with the various speakers when they say this really teaches our children responsibility. At 17 and 18 years old, they are getting ready to enter adulthood. I'm asking you to please support the minority report. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. The good Senator from York, Senator Courtney, sent me down memory lane a few moments ago. While he was in high school, my son, who is out of college now, knowing that he was going to apply for college, participated in a program where he went to school basically every-other-day and worked for a contractor, a builder. I think that experience really made him understand how much he wanted to go to college and not be left with only that option. I'll tell you, it was a program that the school sponsored and allowed. It did leave him with a bit of a problem. He would leave school, drive to work, but have to leave early. By limitations he would have to leave early instead of staying the full working time with the rest of the crew. Adding that extra few hours on those two or three days that he was there wouldn't have made any difference. He had already left school or left our home and driven to the place of work. This is not a big leap from where we are right now. It does allow those people to fine tune a lot of their situations, including the one that my son had when he was in high school. I just ask you to look at it in that light. It's just a small step to be more flexible for more students. Thank you.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I don't think I could disagree with most of what is being said today. I would offer to you, though, that there are many people in this chamber who are supportive of 17 year olds being able to vote. If that is the case, then they will vote for their own 30 hours some day. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling 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 (#189)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, HASTINGS, NASS, NUTTING, RAYE, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senators: MILLS, PLOWMAN, TURNER

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **STRIMLING** of Cumberland 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 **JUDICIARY** on Bill "An Act To Amend the Land Use Regulation Laws"

H.P. 488 L.D. 668

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

Signed:

Senators:

HOBBS 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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-465)**.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner
NASS of Acton

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

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition"

S.P. 263 L.D. 796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-268)**.

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

READ ONCE.

Committee Amendment "A" (S-268) **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

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Restore the Taylor Camps

H.P. 1148 L.D. 1630

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

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

PIOTTI of Unity
PINEAU of Jay
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
TWOMEY of Biddeford

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

Signed:

Representative:

CARR of Lincoln

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.

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 **TRANSPORTATION** on Bill "An Act To Amend the Electronic Insurance Cancellation Notification Law" (EMERGENCY)

H.P. 467 L.D. 634

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-518)**.

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

MARLEY of Portland
PARADIS of Frenchville
HOGAN of Old Orchard Beach
McKENNEY of Cumberland
COLLINS of Wells
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 "B" (H-519)**.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

FISHER of Brewer
SAMPSON of Auburn
MAZUREK of Rockland
BROWNE of Vassalboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-518) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Concealed Firearms Permits"

H.P. 624 L.D. 874

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

Signed:

Senators:

DIAMOND of Cumberland
NUTTING of Androscoggin
CLUKEY of Aroostook

Representatives:

GERZOFISKY of Brunswick
GROSE of Woolwich
PARADIS of Frenchville
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-385).**

Signed:

Representatives:

DAVIS of Augusta
PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
CHURCHILL of Washburn
SYKES of Harrison

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-385).**

Reports **READ.**

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

Sent down for concurrence.

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

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

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492).**

Reports **READ.**

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** 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 **LABOR** on Bill "An Act To Promote Stability in Labor Relations"

H.P. 776 L.D. 1123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-492).**

Signed:

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 Protect Children from Toxic Chemicals in Schools"

H.P. 800 L.D. 1157

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-489).**

Signed:

Senator:
COWGER of Kennebec

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

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

Signed:

Senators:
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:
JOY of Crystal
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-489).

Reports **READ**.

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

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **COWGER** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1127 L.D. 1591

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-510).

Signed:

Senators:
BARTLETT of Cumberland
COWGER of Kennebec
WESTON of Waldo

Representatives:
BLISS of South Portland
FITTS of Pittsfield
BABBIDGE of Kennebunk
CURTIS of Madison
BRAUTIGAM of Falmouth
FLETCHER of Winslow
ADAMS of Portland
RICHARDSON of Skowhegan
RINES of Wiscasset

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B"** (H-511).

Signed:

Representative:
McLEOD of Lee

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-510) Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-510).

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-510) Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-510) **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 **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 to Pass as Amended by Committee Amendment "A" (H-512).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512).**

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

READ ONCE.

Committee Amendment "A" (H-512) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Increase the Property Tax Exemption for Veterans"
H.P. 70 L.D. 74

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-529).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529).**

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

READ ONCE.

Committee Amendment "A" (H-529) **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 **HEALTH AND HUMAN SERVICES** on Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare

H.P. 594 L.D. 835

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-523).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523).**

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

READ ONCE.

Committee Amendment "A" (H-523) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Change Nonresident Income Tax Filing Requirements"
H.P. 175 L.D. 236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-530).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530).**

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

READ ONCE.

Committee Amendment "A" (H-530) **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 To Create State Drug Schedules and Place Additional Restrictions on Prescribing Benzodiazepines"

H.P. 819 L.D. 1190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-521).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521)**.

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

READ ONCE.

Committee Amendment "A" (H-521) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Regulating Street Rods and Custom Vehicles" H.P. 806 L.D. 1163

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-517)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517)**.

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

READ ONCE.

Committee Amendment "A" (H-517) **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 To Update Professional and Occupational Licensing Laws"

H.P. 1071 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-522)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522)**.

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

READ ONCE.

Committee Amendment "A" (H-522) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Retain Maine's Theater Teachers" (EMERGENCY) H.P. 1167 L.D. 1656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)**.

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

READ ONCE.

Committee Amendment "A" (H-520) **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 Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release" H.P. 939 L.D. 1356

In Senate, May 19, 2005, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-536)**, in **NON-CONCURRENCE**.

On motion by Senator **DIAMOND** of Cumberland, 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Improve Maine's Economic Competitiveness

H.P. 213 L.D. 288

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

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York
DOW of Lincoln

Representatives:

SMITH of Monmouth
O'BRIEN of Lewiston
FARRINGTON of Gorham
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 "A" (H-526)**.

Signed:

Representatives:

RECTOR of Thomaston
AUSTIN of Gray
ROBINSON of Raymond

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

Reports **READ**.

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

Off Record Remarks

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 4:00 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol" H.P. 738 L.D. 1085

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-455)** (12 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-456)** (1 member)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report, in concurrence

(In House, May 25, 2005, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)** thereto.)

(In Senate, May 26, 2005, Reports **READ**.)

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report, in concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Promote Stability in Labor Relations" H.P. 776 L.D. 1123

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-492)** (8 members)

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

Tabled - May 26, 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 26, 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-492).**)

(In Senate, May 26, 2005, Reports **READ.**)

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. I stand here today opposed to L.D. 1123 and let me tell you why. Quite simply, this bill will increase the cost of labor relations throughout the state, including the University of Maine System. This, ladies and gentlemen, in my humble opinion, is a bad bill. L.D. 1123 will result in more litigation coming before the Maine Labor Relations Board by creating an environment in which fewer collective bargaining agreements will be settled in negotiations. This bill will essentially eliminate the incentive for employees to come to the bargaining table, resulting in a destabilization of the negotiation process. More negotiations would require mediation, fact finding, and arbitration. There would be more cost involved for everyone involved; the University System, the labor organizations, and the state. The attorneys would likely be the only ones to come out ahead. Passage of L.D. 1123 will force costly increases onto public employees, putting even further strain on public budgets. A similar bill, L.D. 1358, was rejected back in 1999 when it was called 'An Act to Improve Public Sector Labor Relations'. In changing the name to 'An Act to Promote Stability in Labor Relations' does not make this legislation any more attractive in 2005. Please, ladies and gentlemen, let's not go there and please vote against L.D. 1123. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I rise and encourage my colleagues to support the motion in front of you. In the contract back in the late 1960's, I think it was, there was an agreement that was reached that, basically, salary and grievance procedure would not be extended but all other provisions of the contract would be extended when it runs out. What the original bill was doing was to say that we would extend the salaries and the grievance procedures. I would have supported that. I think that would have put power back into the hands and balanced out the power because right now the employer in that situation has the salary held over the head of the employee and says, 'Sorry, you are going to keep getting paid what you are getting paid.' There is no incentive for them to get back to the table to renegotiate that contract. I realize we couldn't get there, so we compromised. We compromised and said, 'Well, we'll leave the salary piece in place but we will change the grievance procedure. We will say that, if there was a grievance procedure according to the original contract, that will continue on.' Virtually every group that opposed the original bill came to the table and negotiated

with us, including the Maine Municipal Association, the Maine School Board Association, and the Maine Superintendents Association. It was only the University of Maine System that opposed, in the end, even that part. They were at the table to help build that compromise and certainly felt better about this than what we had originally put forward. This, I think, is fair. If you have a contract and you have a certain grievance procedure in place and that contract runs out, you shouldn't just lose your rights to be able to complain about your employer violating some term of your employment. You should have a right to still be able to go forward and say you've been wronged, that your rights have been wronged. You know what the procedure is, because you have used it for all these years, and corrective action could be taken. That is common sense, it seems to me. It's basic fairness. I would strongly encourage everyone to accept the majority Ought to Pass report as amended.

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 Cumberland, Senator Strimling 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 (#190)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, 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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-492) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Children from Toxic Chemicals in Schools"

H.P. 800 L.D. 1157

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-489)** (9 members)

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

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

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

(In House, May 26, 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-489)**.)

(In Senate, May 26, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#191)

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

NAYS: Senators: **None**

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

READ ONCE.

Committee Amendment "A" (H-489) **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 **TAXATION** on Bill "An Act To Exempt Unemployment Benefits from State Income Tax" (EMERGENCY)

H.P. 255 L.D. 332

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

Signed:

Senator:

COURTNEY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-404)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
PINEAU of Jay
HUTTON of Bowdoinham
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-404)**.

Reports **READ**.

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

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 Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work

H.P. 987 L.D. 1423

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

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York

Representatives:

SMITH of Monmouth
FARRINGTON of Gorham
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
CROSBY of Topsham

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

Signed:

Senator:

DOW of Lincoln

Representatives:

O'BRIEN of Lewiston
AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
BERUBE of Lisbon

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

Reports **READ**.

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

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, 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 **JUDICIARY** on Bill "An Act To Amend the Laws Pertaining to Temporary Guardianship"

H.P. 81 L.D. 105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-541)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541)**.

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

READ ONCE.

Committee Amendment "A" (H-541) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Mechanics Liens"

H.P. 199 L.D. 260

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-540)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)**.

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

READ ONCE.

Committee Amendment "A" (H-540) **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 **JUDICIARY** on Bill "An Act To Limit the Liability of Ambulance Services in Maine"

H.P. 287 L.D. 385

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-543)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**.

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

READ ONCE.

Committee Amendment "A" (H-543) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid"

H.P. 557 L.D. 780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-539)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539)**.

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

READ ONCE.

Committee Amendment "A" (H-539) **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 **JUDICIARY** on Bill "An Act To Provide Greater Civil Relief Protection for Members of the Military"
H.P. 610 L.D. 859

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-538)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538)**.

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

READ ONCE.

Committee Amendment "A" (H-538) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Address the Constitutionality of Maine's Resident-only Lobster License"
H.P. 985 L.D. 1421

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-544)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544)**.

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

READ ONCE.

Committee Amendment "A" (H-544) **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 **JUDICIARY** on Bill "An Act To Modify Liability To Protect Maine Citizens from Lead Hazards That Harm Maine Children and Families"

H.P. 1077 L.D. 1532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-542)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)**.

Report **READ**.

On motion by Senator **HOBBS** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, 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 **Ought to Pass as Amended by Committee Amendment "A" (H-537)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537)**.

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

READ ONCE.

Committee Amendment "A" (H-537) **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 **STATE AND LOCAL GOVERNMENT** on Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone
H.P. 1050 L.D. 1493

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-534)**.

Signed:

Senators:
SCHNEIDER of Penobscot
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
SCHATZ of Blue Hill

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

Signed:

Senator:
ROTUNDO of Androscoggin

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

Reports **READ**.

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

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

Senator **MARTIN:** Thank you, Madame President. This is a bill that is of great interest to me because I have a 1-hour differential where I live and I don't know why the rest of the state shouldn't have it as well. I'd like to hear from the majority report as to why we should not accept the majority report rather than accept the present motion.

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

Senator **MARTIN:** Thank you, Madame President. I'd like to pose a question through the Chair to any member of the Senate, since that is obviously that is the only way I'm going to get an answer. I would like to know the reason why we ought to be voting against the bill?

THE PRESIDENT: The Senator from Aroostook, Senator Martin poses a question through the Chair to anyone who may wish to answer.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Minority **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Reform County Government" H.P. 40 L.D. 44

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-494).**

Signed:

Senator:
SCHNEIDER of Penobscot

Representatives:
BARSTOW of Gorham
McFADDEN of Dennysville
HARLOW of Portland
BISHOP of Boothbay
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 Not To Pass.**

Signed:

Senators:
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:
MOULTON of York
CROSTHWAITE of Ellsworth
SCHATZ of Blue Hill

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

Reports **READ.**

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

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

COMMUNICATIONS

The Following Communication: S.C. 358

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

May 23, 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. 1538 An Act To Amend the Laws Authorizing the Medical Use of Marijuana

L.D. 1580 An Act To Enhance Maine's Medical Errors Reporting System

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.**

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

COMMUNICATIONS

The Following Communication: S.C. 359

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

May 23, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 918 An Act To Provide for the Payment of Attorney's Fees in a Parental Rights and Responsibilities Action

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

L.D. 1120 An Act Regarding the Reporting of Abuse and Neglect

ORDERS OF THE DAY

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

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 (5/17/05) Assigned matter:

Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services
S.P. 442 L.D. 1262
(C "A" S-175)

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

COMMUNICATIONS

The Following Communication: S.C. 360

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

May 19, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 284 An Act To Increase Retired Teachers' Insurance Benefits

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

Tabled - May 17, 2005, by Senator **SCHNEIDER** of Penobscot

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175)**

(In Senate, May 17, 2005, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175).

(See action later today.)

The Chair laid before the Senate the following Tabled and Later (5/23/05) Assigned matter:

HOUSE REPORT - from the Committee on **LABOR** on Bill "An Act To Increase Retired Teachers' Health Insurance Benefits"
H.P. 535 L.D. 758

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-410)**

Tabled - May 23, 2005, by Senator **WESTON** of Waldo

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

(In House, May 20, 2005, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410).**)

(In Senate, May 23, 2005, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-410) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/23/05) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Conform Maine Law to Federal Overtime Standards"
H.P. 320 L.D. 435

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

Minority - **Ought to Pass** (5 members)

Tabled - May 23, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, May 19, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 23, 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 Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. I stand here today to urge this body to not support the majority Ought Not to Pass report. 'An Act to Conform Maine Law to Federal Overtime Standards.' I know full well this subject is contentious for many folks, but for Maine's businesses this only makes good common sense. In my opinion and in the opinion of many business organizations in the state, including the Maine State Chamber of Commerce, UNUM, the National Federation of Independent Businesses, the Maine Association of Community Banks, the Maine Merchants Association, Maine Pulp and Paper Association, Maine Restaurant Association, Hannafords, and I could go on and on and on.

The Maine Department of Labor jumped the gun in proposing new rules for Maine. New federal guidelines took effect in August 2004, modernizing what had become an outdated set of regulations regarding executive, administrative, professional, and computer employee exemptions. Under the old federal rules, there were multiple tests for eligibility that were hard to interpret and left a lot of room for error, especially for the small employer. Polling conducted found that most small business owners just did not understand the legal guidelines under the old system of who gets paid overtime. Most organizations that are truly concerned with fostering a pro-business climate in Maine do not share the viewpoint that having a separate set of overtime regulations in Maine will prevent small employers from complying with both

federal and state rules. It is just not possible for the Maine Department of Labor to adopt regulations that would preempt the new federal regulations. There is no federal law or mechanism allowing states to adopt overtime regulations in lieu of federal rules, such as small employers that only have to comply with one set of regulations. While federal law does not prevent states from adopting overtime rules that are more protective of workers, employers must still comply with both federal and state rules to the extent that one or the other is the most protective of workers. Maine already has a nationwide reputation as being one of the unfriendliest states to do business. I know we don't like to hear that, but it is a reality.

Here we are again, debating whether we go forward, as the majority would have us, to make the environment even less hospitable to businesses. I ask you not to do that. Do we take this opportunity to get in step with the rest of the nation and create a state that is easier for businesses of all sizes to compete and succeed in? L.D. 435 will help employers in Maine avoid the costly expense of having to follow two distinct sets of rules with regards to overtime regulations, one for federal and one for state. Maine businesses already labor under many unfair regulatory burdens. That is, those that have remained here do. Remember, this does not affect hourly workers. It only affects salary workers.

With the recently announced BRAC decision, it is paramount that we do all that we can to encourage other businesses that Maine is not a hostile environment in which to do business. I ask this body not to support the majority Ought Not to Pass and to please do something good for the future of Maine's business climate by bringing us in line with federal overtime standards by voting Ought to Pass on L.D. 435. Thank you very much.

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

Senator **BARTLETT:** Thank you, Madame President. I'd just like to clarify what this proposed law would do. The standards that Maine has put in place to conform with the old rules have been in place for a long time. Employers have been very used to complying with them. Legal attorneys have been very used to complying with them when advising their clients. The change was not made at the state level to change the way overtime standards were made. The decision was made at the federal level to dramatically alter the way employees are classified. The good Senator from Androscoggin, Senator Snowe-Mello, is correct that the law applies to only salaried employees. The catch here, however, is that the new federal law takes a large number of our formerly hourly employees and makes them salaried employees. What that means is that it is pulling a huge number of our hard working workers, putting them into new categories by calling them professionals, and saying they are not entitled to overtime. What the federal law has done is attempt to reach in and deprive thousands of citizens of their right to overtime. All Maine has done is kept its standards aligned with the old standards to avoid hurting so many of our hard working Mainers.

Finally, as a final point, this is not creating some difficult scheme of multiple rules to follow. This is not a case where Maine has instituted its own rules that are unlike anyone has ever seen before and is going to take a long time for people to understand. Again, it is the federal government that has come in here and dramatically changed the rules to the detriment of the workers and employees. All we are doing is saying, 'Let's apply the old federal rules.' The vast majority of employers are only

going to need to be worried about these old, existing federal rules and not the newer standards, because by and large the new rules are less stringent. Therefore, it's only going to be large companies with legal staffs, by the way, and offices in multiple states that are going to have to worry about this. Most Maine employers will be able to focus on the same regulations they have been operating under for years. It is actually less costly for the vast majority of Maine employers to simply go and remain with the old rules then having to learn a whole new scheme. Thank you, Madame President.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **WESTON:** Thank you, Madame President. I understand that there is a salary threshold that must be met in order for the federal changes to take place. Does anyone know those numbers?

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

Senator **STRIMLING:** Thank you, Madame President. My recollection is that it is around \$24,000. I can look it up and try to find a more clear answer, but it is around \$24,000.

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

Senator **SNOWE-MELLO:** Thank you, Madame President. The federal overtime regulations set weekly salaries at \$455 weekly or \$100,000 annually or \$27.63 hourly.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling 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 (#192)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE,

SNOWE-MELLO, TURNER, WESTON, WOODCOCK

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175)** the following:

Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services
S.P. 442 L.D. 1262
(C "A" S-175)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175)**.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/23/05) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

H.P. 940 L.D. 1357

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-334)** (7 members)

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

Tabled - May 23, 2005, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In House, May 20, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 23, 2005, Reports **READ**. Motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

LEGISLATIVE RECORD - SENATE, THURSDAY, MAY 26, 2005

On motion by Senator **ANDREWS** of York, 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 (#193)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/25/05) Assigned matter:

An Act To Recognize the Federal Salary Level for Overtime When Higher than the State Level

H.P. 165 L.D. 214

Tabled - May 25, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, May 20, 2005, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 24, 2005, **PASSED TO BE ENACTED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#194)

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

NAYS: Senators: COURTNEY, DOW, HASTINGS, MILLS, NASS, PLOWMAN

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (5/25/05) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Regulation of Firearms on Public Property"
S.P. 106 L.D. 344

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-236)** (2 members)

Tabled - May 25, 2005, by Senator **GAGNON** of Kennebec

Pending - motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 25, 2005, Reports **READ**.)

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

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. Chapter 25, section 2011, of Maine law prevents the local governing bodies of public colleges and universities, public hospitals and libraries, civic centers, special purpose districts, and counties and municipalities from restricting the possession of firearms on public property. Despite the existing law, there is confusion about the issue. Some public authorities have acted as if they had the power to regulate possession of firearms even though they do not have this authority. The University of Maine at Orono and the University of Southern Maine, for example, have adopted policies prohibiting firearms in dormitories. A few years ago, in a highly publicized case, the Portland police removed an individual from a family festival in Deering Oaks because the individual was carrying a firearm. The authorities involved believed they were taking appropriate actions and they do, in my opinion, seem quite reasonable. All L.D. 344 seeks to do is to clarify existing law to give these public institutions the authority, which they think they already have but they don't have. I urge you to vote against the pending motion so that we can go on to pass the minority report. 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. I would urge you to vote for the majority Ought Not to Pass report for a couple of reasons. Maybe first and foremost, there have been no problems. There have been no problems at all. You are talking about a situation where we are trying to solve a problem that does not exist. School property is already covered. You cannot bring a weapon onto school property. It's obvious, and had there been a concern to that nature, we would have heard a lot during the public testimony. I think the other problem would be that you have all these various civic centers and hospitals and all such places. You are going to have all various numbers of ordinances. How is one to know? There are a lot of problems being built with this that are really unnecessary. I would urge you to vote with the majority Ought Not to Pass. Thank you.

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

Senator **NUTTING**: Thank you, Madame President, ladies and gentlemen of the Senate. I urge you to oppose the pending motion so we can go on and accept the minority Ought to Pass report. I want to briefly explain why. A few years ago the Portland Public Housing attempted to pass an ordinance that you couldn't have a firearm if you lived in that public housing. That was taken to court and they lost because of the statute that was referenced by the good Senator from Androscoggin, Senator Rotundo. Unfortunately, if one student were to challenge the current rules on several of our university campuses prohibiting firearms, sadly, in my opinion, those ordinances would not stand up in a court test because the university system cannot legally, unless we pass this minority report, have a rule or ordinance banning firearms from university dorm rooms. I know the city counselors and town selectpeople in my Senate district would like a state law passed so that firearms could not be legally brought to a city counsel meeting or to a town selectmen's meeting.

I think I would disagree with my good chair on one point. Passage of the minority Ought to Pass Report wouldn't lead a hodge-podge of regulations statewide, it would be very clear that if it's a library or a school, university system, city or town hall, firearms could not be legally brought into those facilities. The good Senator from Cumberland, Senator Diamond, is correct. K-12 schools are covered. Technical college and university college campuses are not covered, unfortunately. This amendment also, I think, is very reasonable. It has some exemptions in it that I think are very reasonable. Law enforcement officers, of course, can carry a firearm. A person that is authorized to carry a firearm on public property by order as a security person can possess a firearm. If you have a hunting license, you can leave your weapon in your vehicle when you are going to get your hunting license. I think amendment is narrowly crafted. It will give consistency statewide so that we don't end up having weapons in dorm rooms or city counsel chambers or libraries. It does have some exemptions that make it very reasonable. I urge your rejection of the pending motion so that we can go on and accept the minority Ought to Pass report. Thank you.

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

Senator **CLUKEY**: Thank you, Madame President, ladies and gentlemen of the Senate. I don't belong to the NRA but I do

agree with what they had to say about this issue. They said, 'State preemption regulating firearms was enacted by the legislature to avoid the possibility of hundreds of separate firearm laws across Maine. Without preemption, there would be a myriad of local firearm laws, making compliance utterly impossible for the law bidding gun owner.' I hope you will support the unanimous Ought Not to Pass report. Thank you, Madame President.

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

Senator **DIAMOND**: Thank you, Madame President, men and women of the Senate. Just briefly. My good friend, the Senator from Androscoggin, Senator Nutting, I didn't realize we were going to be talking about the amendments so I still won't, Madame President. I would like to point out that the people we are going to be regulating are the people who are, in fact, not breaking any rules. In fact, those who are intent on doing harm are not going to look at the law and say, 'Let me see now, should I go into this civic center and do some damage here? Oh, no, I can't do that, the law says I can't.' The point is that we're regulating the good people. The folks who are going to break the law, if they ever do in a serious way, are going to do it anyways. I would urge you to vote for the majority Ought Not to Pass report. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond 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 (#195)

YEAS: Senators: ANDREWS, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, DAMON, NUTTING, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: MAYO

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/23/05) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Remove the Sunset on Part-time Unemployment Insurance Benefits"

H.P. 233 L.D. 309

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-33)** (8 members)

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

Tabled - May 23, 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 19, 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-33) AND HOUSE AMENDMENT "C" (H-402)**.)

(In Senate, May 23, 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.

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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. If we pass L.D. 309, thereby permanently extending unemployment insurance benefits to part-time workers, we have added yet another item to the growing list of reasons why businesses are resistant to the idea of locating in the State of Maine. While the 121st Legislature saw fit to temporarily extend unemployment benefits to part-time workers, the Maine Chamber of Commerce, along with individual employers and other business associations, have been opposed to this idea for a long time and all along the way. The State of Maine is the only state in the union to have such an expansive and expensive program. The common sense opposition to making this benefit permanent is based on economic good sense and the protection of existing and potential new jobs. In 2004 the Department of Labor estimated the cost of this benefit to be approximately \$2.5 million, not a significant increase of 2.3%. With the current information we have available to us from the Department of Labor we now know the cost will likely exceed \$3.5

million. Additionally, the Department of Labor has indicated that the Maine businesses can expect an unemployment insurance tax increase in 2005 of nearly \$14 million. This is before factoring in the cost of continuing the part-time benefit beyond the statutory sunset date of September 2005. The passing of L.D. 309 will only add to the cost of doing business here in Maine. I ask you if we can afford that. We have just lost about 13,000 jobs. We really need to be discussing ways of attracting a business to Maine. Instead of making it more expensive to conduct business in Maine, we should be crafting ways to allow workers to take more of their hard earned money home to spend as they see fit. I urge the esteemed members of this Senate to please vote Ought Not to Pass on L.D. 309.

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

Senator **STRIMLING:** Thank you, Madame President. I rise and encourage my colleagues to accept the majority Ought to Pass as Amended report. Madame President, these are lowest paid workers in our state. How many times do we have to go through the battle of trying to provide for the people who need it most? There is no additional cost on business. They came forward and showed us the graphs and the matrixes. The earliest they could say that there might be some additional costs is 5 years from now, but remember that every business is already paying, Madame President. They are already paying this insurance. The only problem is that the employee is not allowed to collect it. Not only are these the lowest income Mainers, 75% of them are women. By not doing this we are penalizing the lowest income women of our state. Madame President, two years ago, when this bill was first brought through, many compromises were put forward and one of the most important was to put a 2-year sunset because people said, 'Let's see what happens' because the business community came forward and said, 'If you do this, the sky will fall and businesses will leave and employees will not even be hired because they will be so scared that their rates will increase so much.' Well, Madame President, I contend that today that did not happen. Not even close to happening. What has happened is almost 1,000 workers in this state have been able to receive a small pittance to be able to help them survive the hard times between one job and the next. Madame President, for the sake of our poorest workers in this state, our poorest women workers in this state, I encourage all of my colleagues, on both sides of the aisle, to accept the majority Ought to Pass as Amended report. Thank you very much.

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

Senator **BARTLETT:** Thank you, Madame President. I rise to make what will hopefully be a fairly simple point in respect to this bill. As the Senator from Androscoggin, Senator Snowe-Mello, pointed out, before this law went into effect part-time workers could collect unemployment benefits so long as they were seeking full-time work. In other words, they couldn't if they were seeking part-time work. That was an enormous inequity in that system. Consider the people who are seeking part-time benefits. Many of them are mothers with young children at home that want to be home when the bus drops them off at the end of the day. What we were saying is, in order to receive unemployment benefits, they had to give up that time that they want to share with

their families. Consider those that have some sort of illness or disability that prevents them from working the full number of hours per week. What we are saying to them is that unless they were willing to take full-time work, and quickly get fired because they can't do the job, we're not going to pay unemployment benefits. Really think about the people you are hurting and also think about the consequences. When people are unemployed they have no income coming in. They start draining down whatever assets they might have. A lot of these folks don't have much. Then they are qualifying for things like Medicaid, that is far more expensive than if we can help them to hobble along for 6, 8, 10, or 12 weeks while they find other employment. To me this is an issue of fundamental fairness. It's not about expanding or giving some people some expanded rights. It's about fundamental fairness, saying if you are a full-time worker and you lose your job, as long as you seek full-time work it's okay, and if you are a part-time worker, you should be able to keep those part-time hours but still be eligible for unemployment. For that simple reason, I will be supporting the pending motion.

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 sincerely beg to differ with the good Senator from Cumberland, Senator Strimling. Maine has lost jobs. Maine has lost employers. We are deemed now as the worst place to do business in the United States. If we continue on the line where we are going, we are going to lose more jobs. How will that help our part-time employees? It won't. Seasonal provisions in Maine's statute are not impacted by part-time legislation. Under Maine Employment Security law, if a business is designated as seasonal a worker can only collect unemployment benefits from that work if the individual is laid-off prior to the end of the season. A business seeking seasonal designation must operate 28 weeks or less during the year and must apply to the Unemployment Insurance Commission who determines if the business qualifies as such. The monetary eligibility requirements have not changed with the passage of the part-time legislation. All the wages received during the individual's base period, including tips, are used to determine monetary eligibility and benefit amounts regardless if the worker worked full-time or part-time during the period. However, a person's work search requirement is based on the type of work primarily performed during the base period. If a person worked primarily full-time, then he or she will be required to seek full-time work while collecting unemployment benefits, even if the most recent job was part-time. Please let's not go here. I am worried, I am sick to death, about where the state is going. Yes, people are having a tough time. They are having a really tough time making ends meet. It's because of the policies that the state is setting on businesses. Businesses should be allowed to thrive. They ought to be allowed to be able to do their business. I'd really rather offer full-time work to the folks back home than part-time. I'm asking you to please oppose the majority report and go with the minority report. Thank you and vote Ought Not to Pass.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. Over the years I've struggled with a lot

of labor issues. I don't think it is a secret to many in this body that I do not have a 100% labor voting record. On this issue here I've struggled with it. I'm one of the people that voted for it 3 years ago only with the condition that it had a 2-year sunset on it. As I've tried to get myself ready to make a decision on this vote this evening, one of the things I took into consideration was that in 2003, when we began to cover part-time unemployment, this state's ranking in the United States for the employer tax rate as a percentage of taxable wages was 24th. The last 2 years since we've had this on the books, what has happened? I'm pleased to report that we're now 43rd, one of the lowest rates in the United States. In fact, the lowest rate in New England. I disagree with the previous comment that this state has just the worst business climate in the world. We have the lowest employer tax rate for unemployment in New England, one of the lowest in the country. That has moved down even though we've covered part-time workers under unemployment. I think what has been lost here is as more people have come into the part-time work force, they are paying wages and taxes into the system. That's been a tremendous benefit. I am going to be supporting this. I think this state, at least in this business climate measuring criteria, is heading in the proper direction. Thank you.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. This is not an unthoughtful bill. This bill would benefit a group of people who are people who we should be concerned about. I don't rise to quarrel with that proposition. The history of our unemployment compensation system goes back a long way. It is a troubled system, has been, and has a history that is worth looking at. Very briefly, when I came into the Senate in the mid-1990's, our unemployment compensation system was one of the worse in the United States. It was way underfunded. Its trust fund was down around \$70 million or \$80 million. It is now at \$425 million. There was so much rancor, discord, and contention over what was wrong with it and how to improve and make it better that it took a process of about 3 or 4 years, over at least 2 or 3 terms of this legislature, in order to repair it. I was part of that process as a member of the Labor Committee. If I had to identify one thing in my life that I am most proud of having been part of it was being part of that process, which was a group process under the direction of Governor King's labor department who were fabulous in terms of producing ideas, one after the other, about how to come to grips with the repair of this horribly defective system that we had in the mid-1990's. About the year 2000 or 2001, we came into focus. I'll never forget the concessions that were made by the American Federation of Labor, CIO. Labor came to the table and they offered up some benefit concessions that were substantial. I will never forget this. They were made privately and quietly. Basically without those concessions, nothing would have happened. The Chamber of Commerce, whose representatives are in this room at the moment, made some quiet concessions about what would happen to the tax increase that was necessary, that was essential to restore health to this defective and broken system. Without those compromises, which seldom occur in the Labor Committee, our system would probably be just as sick today as it was before and I have to reflect back, if only Workers' Compensation could have been solved with that same kind of consensus and mutual concession there would have been a better result, in my view.

Interestingly enough, the unemployment compensation system is nearly as big and has almost as much potential for contention as does the Workers' Compensation system and it is absolutely as important.

We have \$425 million in the trust fund to protect against the closing of the Portsmouth Naval Shipyard, to protect against the loss of those jobs up in Aroostook, and protect against the loss of the collateral jobs around Brunswick if the military reduces it's compliment by half. The interesting thing about this new unemployment compensation system is that it is never necessary for the legislature to vote for or against a tax increase. The taxes are calculated on the basis of a formula that is in the law so the formula raises the taxes for you if the taxes are necessary and the formula gives the tax decrease. We can't claim credit for the decrease. We can't take blame for the increase. It's all over there in the other building. It's on automatic pilot. The only way that taxes are increased by any action of this legislature is when we adjust benefits. Let me be clear about this, by voting for this bill to remove the sunset and to continue the delivery of unemployment benefits to those who are declaring themselves to be able to work only part-time, to vote for that you are voting for a broad based tax increase because the cost of that benefit, several million dollars per year at this juncture, will go into the formula over there across State Street and it will result in increases in taxes on every single employment relationship in this state. It's broader than the income tax because a lot of people are employed who pay no income taxes. It is as broad as any employment relationship that exists in the state. It is a tax on every single employee and every single employer who pays wages. It doesn't matter if it is paid by the employer or by the employee. It is paid by the employer, but that is conceptually unnecessary to look at because it's a tax on the process of paying wages to people and if employers are deprived of those dollars it is fewer dollars they can pay out in wages, bonus, and other benefits. This is a tax increase. It is a broadly based tax increase, as broad as it gets because of the extent to which these wages are taxed. It may not be a large increase, but it is an increase.

As many have observed, I am not particularly hung up on this issue of whether we should raise taxes or not in this state. I want those who vote for this to understand that they are voting for a tax increase. I am concerned right now about the future of this state for the next 25, or 8 years, however long it takes for the Defense Department to unwind 150 years of history down at the Portsmouth Naval Shipyard and possibly to unwind employment relationships in many other areas in this state. I don't know what the future is going to hold. Even though we have huge problems and a very high tax rate in other areas of taxation, I am concerned at this juncture in our history about raising benefits for a particular class of people, imposing a new tax on employers and employees, and thus rendering ourselves that much less ready to confront the trying times that lie before us and that we know are coming over the next several years. These are deserving people. Don't get me wrong. I am a bit disturbed, however, about people who claim this benefit being able to define, subjectively, their own eligibility. I've always been troubled by that. Picture this, the inquiry is made, 'Are you available for full-time work?' Answer, 'No.' 'Are you available for part-time work?' Answer, 'Yes.' Somehow the state, being the Labor Department, has to make some sort of inquiry into whether the availability for part-time work for the future to render you eligible is somehow consistent with the pattern of your part-time work that you was doing before. I

guess there has to be an inquiry as to whether it is legitimate. Is there really a child coming home at 2:30 in the afternoon to be met at the bus or is this just somebody saying they are only eligible for part-time? Is it a self-declared thing? Does anybody have the right just to declare that they only want to work part-time even though they have no reason? If there is a reason, is it the duty of the state, the Department of Labor, to make inquiries as to whether the reason is legitimate or valid? It's messy and I don't mean that we should avoid messy things just because they are so or that we should avoid difficult things because they are messy or deserving things because they are messy. The extension of this benefit, which is not done in most other states, has always troubled me because of its administer-ability. I might not object to extending by a year, perhaps, just to keep testing it out, but I am deeply reluctant to make a permanent change to our law at this time in our history when this very fund is going to receive substantial challenges, and when we know that unemployment compensation insurance is very likely to go soaring in order to meet its obligations in light of the lay-offs that are coming. I just don't think this is the time to pas this bill in this environment. Those are my views. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I just want to be absolutely clear, there is no tax increase. This is in place now, it already exists, and it's on the books. I am certainly disappointed that my colleague from Somerset, who supported this law last time it came through, is not there today. The people who came forward to our committee and testified on this said that even in a worse case scenario the earliest time that we would see an increase in somebody's rates based on this is 5 years from now. You have already heard from another colleague about how our costs and our ranking among other states has been dropping for the positive in terms of the climate in this area. This is not a tax increase. This is in place today. All we are doing is lifting the sunset. I know I don't even need to remind this body that there is nothing permanent in our law. Any legislature could come back 2 years from now, and if they see some detrimental effect, decide that they want to change this law. We are allowed to do it to any past laws and they can do it to us and I'm sure they will in many ways.

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

Senator **TURNER:** Thank you, Madame President. Rhetorical question to the chamber.

THE PRESIDENT: The Senator may pose his question.

Senator **TURNER:** Thank you, Madame President. The testimony that you heard on this particular bill, was it after the BRAC Commission report or before it?

THE PRESIDENT: The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO**: Thank you, Madame President. It was before.

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

Senator **MARTIN**: Thank you, Madame President and members of the Senate. I won't go very long on this one, but I would simply put it this way, if benefits are not to be paid, why should employers be taxed for it?

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling 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 (#196)

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

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

ABSENT: Senator: SAVAGE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-33) **READ**.

On motion by Senator **SNOWE-MELLO** of Androscoggin, Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33) **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. What this amendment does is allows this to be extended another 2 years. I'm asking you to please keep the sunset on and allow this bill to go forward but let the sunset stay there until we know for sure and the business climate improves in this state. Thank you very much.

Senator **STRIMLING** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33).

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

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33). (Roll Call Ordered)

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol" H.P. 738 L.D. 1085

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-455)** (12 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-456)** (1 member)

Tabled - May 25, 2005, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report, in concurrence

(In House, May 25, 2005, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)** thereto.)

(In Senate, May 26, 2005, Reports **READ**.)

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

Senator **PLOWMAN**: Thank you, Madame President, men and women of the Senate. This bill came before the Legal and Veterans Affairs Committee by a group of students from Aroostook County. It was a project that they had taken on voluntarily and they approached businesses that sold alcohol. The idea was to ask businesses to post a sign that would identify or inform purchasers of alcohol what the penalties were for buying for minors. The young women and men made a great presentation and they informed us that it was a 99% voluntary compliance rate with their project. They would like us to make it mandatory. I took this out because I thought that if there is a 99% compliance rate when people are asked to put this up to we really need to pass a law with a 99% compliance rate? The position I took was that the department would make all of the signs available, the young people wouldn't have to do this any more,

and they would be made available by the department, but it would be voluntary. The reason I ask it to be voluntary is because it is another business cost for a business owner. It's not the cost of the poster, it's the cost that would occur when the liquor inspector comes in and the sign may or may not be posted. With a 99% compliance rate, I just don't see why we have to pass a law. I would ask you to please vote against the majority Ought to Pass report and let's do something a little bit common sense. Let's not clutter up the books because 1% of the people didn't think that they wanted to do it or it just wasn't up. It just doesn't make sense to do something like that. Thank you very much.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. The committee did report 13 to 1 that this bill ought to pass. One of the reasons for that is, other than the great work that the students did, it was reasonable that we would require this type of posting, which is also currently required for tobacco products. We thought it should be consistent. If you have the same type of posting in law for tobacco products, you should also have it for liquor and carry-out beer and wine. The committee also felt as though it was not a burdensome process. We thought that it should be consistent. As I said, it was a 13 to 1 report. We have an extra member on our committee, as many of you know.

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 Kennebec, Senator Gagnon 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 (#197)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, 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, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: SAVAGE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-455) **READ**.

House Amendment "A" (H-485) to Committee Amendment "A" (H-455) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-455) as Amended by House Amendment "A" (H-485) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/19/05) Assigned matter:

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 1024 L.D. 1462
(C "A" H-392)

Tabled - May 19, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**, in concurrence

(In House, May 18, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.)

(In Senate, May 19, 2005, **READ A SECOND TIME**.)

On motion by Senator **PERRY** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-392), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-232) to Committee Amendment "A" (H-392) **READ**.

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

Senator **PERRY:** Thank you, Madame President. This is a minor technical change bill that we passed through the Taxation Committee. We had changed the date where the interest rate that municipalities can charge on delinquent property taxes. It is currently determined in January. We changed that to September, which would mean that when that rate went into effect it would be 9 months and would then become a year old when it became effective. Maine Municipal asked that we change it back to January. There was no real reason that we made the change other than there is one other rate determined in September and we wanted to make them on the same day. It's not a big issue so we, as a committee, decided it would be all right to change it back. That is all the amendment does.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-232) to Committee Amendment "A" (H-392) **ADOPTED**.

Committee Amendment "A" (H-392) as Amended by Senate Amendment "A" (S-232) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392) AS AMENDED BY SENATE AMENDMENT "A" (S-232) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

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

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 Exempt Unemployment Benefits from State Income Tax" (EMERGENCY)

H.P. 255 L.D. 332

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-404)** (6 members)

Tabled - May 26, 2005, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 25, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404).**)

(In Senate, May 26, 2005, Reports **READ**.)

On motion by Senator **PERRY** of Penobscot, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-404) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Remove the Sunset on Part-time Unemployment Insurance Benefits"

H.P. 233 L.D. 309

Tabled - May 23, 2005, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33)(Roll Call Ordered)

(In House, May 19, 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-33) AND HOUSE AMENDMENT "C" (H-402).**)

(In Senate, May 26, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**, in concurrence. **READ ONCE.** Committee Amendment "A" (H-33) **READ**. On motion by Senator **SNOWE-MELLO** of Androscoggin, Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33) **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#198)

YEAS: Senators: **BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MAYO, MITCHELL, PERRY, ROTUNDO, SCHNEIDER**

NAYS: Senators: **ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

ABSENT: Senator: **SAVAGE**

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33), **FAILED**.

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **FAILED TO INDEFINITELY POSTPONE** Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33).

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-269) to Committee Amendment "A" (H-33).

The Chair laid before the Senate the following Tabled and Later (5/23/05) Assigned matter:

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)

Tabled - May 23, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 2005, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 626).)

(In Senate, May 23, 2005, on motion by Senator **DAMON** of Hancock, **RULES SUSPENDED, RECONSIDERED ENACTMENT.**)

On motion by Senator **DAMON** of Hancock, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-220), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-270) to Committee Amendment "A" (H-220) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. This was a bill that was Passed to be Engrossed and was on the Governor's desk. We brought it back from the Governor's desk some time ago because of some language that needed to be changed. This amendment does, indeed, change that language. This amendment replaces Committee Amendment "A" (H-220) and removes the requirement that municipal and volunteer firefighters and emergency medical services personnel who are responding to the scene of an emergency in personal vehicles be trained in emergency vehicle operation. It was felt that this was not necessary. It also allows for these personal vehicles to be equipped with flashing lights, one of which must be a red light and the other which may be a white light. These lights are to be located above the bumper and below the roof. It's consistent with other emergency vehicle operations. I would urge your adoption. Thank you, Madame President.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-270) to Committee Amendment "A" (H-220) **ADOPTED.**

Committee Amendment "A" (H-220) as Amended by Senate Amendment "A" (S-270) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220) AS AMENDED BY SENATE AMENDMENT "A" (S-270) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 31, 2005, at 10:00 in the morning.