

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

Second Regular Session  
January 4, 2006 to May 24, 2006

Pages 1382 - 2139

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

In Senate Chamber  
Thursday  
April 6, 2006

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

Prayer by Reverend Katherine Russo, Brown Memorial United Methodist Church of Clinton.

**REVEREND RUSSO:** Good morning. May we join our hearts in the spirit of prayer. Oh God, creator and sustainer of all things, we thank You for the world in which we live. As we share this time together, let us share one spirit and one purpose as well so that the new humanity You are bringing to light will be seen in our common concerns and our love for our great state of Maine. Lord God, by whose providence all things are ordered and in whose love all things find their purpose, under whose justice all our purposes are judged, we pray for our country and all who serve in it in the military. May each of us recall that the power of our presence is not a political opportunity, but a sacred obligation. Help us to examine both issues and persons with a fresh and open mind, not being captive to either our own agendas or to narrow self-centeredness. May the great hopes of all our faiths motivate our discussions today so that the cause of peace, of righteousness, and of justice for all Your children will be strengthened by what we do. Sovereign God, we pray for all those in positions of authority. Give them a new range of vision fit for their state and courage to call forth the highest rather than the meagerest loyalties of those they lead and a new spirit of self-transcendence that they may withstand the temptation to measure their actions by selfish benefit. Help us to support and serve the common good for all people; men, women, and children. Timeless God, creator of this beautiful countryside we call Maine, its cities, its villages, its lakes, its islands, its coastland, its forests of pine and birch trees, its rural farmlands, all inhabited by friendly neighbors who are ready to jump right in and help whenever the need arises, help us on this glorious spring day in April as we ask a special blessing on this Senate as they labor over and struggle with the issues of our day. Hear us as we ask a blessing for those parts of our state where people are jobless and homeless and hungry and grant that those who have may ever be ready to share their plenty with those that have so little. Great Spirit, source of all strength and goodness, give us the strength and wisdom to be what You mean us to be and do what You mean us to do so that we may fulfill the purpose for which You sent us into this, Your world. Creator Lord God, we thank You for giving us this sacred opportunity to serve Your people and make a difference in our little corner of Your world. Amen.

Reading of the Journal of Wednesday, April 5, 2006.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Increase the Minimum Wage"  
H.P. 174 L.D. 235  
(C "A" H-725)

In Senate, March 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AS AMENDED BY HOUSE AMENDMENT "D" (H-916)** thereto, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: S.C. 606

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 4, 2006

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

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

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

YEAS Senators 1 Bryant of Oxford  
 Representatives 8 Cebra of Naples, Jackson of Fort Kent, Lundeen of Mars Hill, Richardson of Greenville, Richardson of Carmel, Sykes of Harrison, Watson of Bath, Wheeler of Kittery

NAYS 0

ABSENT 4 Rep. Moody of Manchester, Sen. Perry of Penobscot, Rep. Trahan of Waldoboro, Sen. Woodcock of Franklin

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Joseph E. Clark of Millinocket, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce Bryant  
 Senate Chair

S/Thomas R. Watson  
 House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 608

**STATE OF MAINE  
 ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 4, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of William C. Bullock, Jr. of Orrington, for appointment to the Maine Maritime Academy Board of Trustees.

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

YEAS Senators 3 Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland  
 Representatives 8 Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Merrill of Appleton, Norton of Bangor

NAYS 0

ABSENT 2 Rep. Makas of Lewiston, Rep. Stedman of Hartland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William C. Bullock, Jr. of Orrington, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell  
 Senate Chair

Jacqueline Norton  
 S/House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 609

**STATE OF MAINE  
 ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 4, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Nicole N. St.Pierre of Baileyville, for appointment to the Maine Maritime Academy Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	7	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Goldman of Cape Elizabeth, Lansley of Sabattus, Merrill of Appleton, Norton of Bangor
NAYS		0	
ABSENT		3	Rep. Finch of Fairfield, Rep. Makas of Lewiston, Rep. Stedman of Hartland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Nicole N. St.Pierre of Baileyville, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell  
Senate Chair

S/Jacqueline Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 610

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 4, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Harrison L. Richardson of Gorham, for reappointment to the Maine Maritime Academy Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	8	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Merrill of Appleton, Norton of Bangor
NAYS		0	
ABSENT		2	Rep. Makas of Lewiston, Rep. Stedman of Hartland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Harrison L. Richardson of Gorham, for reappointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell  
Senate Chair

S/Jacqueline Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 613

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

April 5, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Timothy Harper of Mount Desert, for appointment to the Marine Resources Advisory Council.

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

YEAS	Senators	3	Damon of Hancock, Sullivan of York, Andrews of York
	Representatives	8	Adams of Portland, Ash of Belfast, Cressey of Cornish, Eder of Portland, Fletcher of Winslow, Kaelin of Winterport, Percy of Phippsburg, Seavey of Kennebunkport
NAYS		0	
ABSENT		2	Rep. Dugay of Cherryfield, Rep. Emery of Cutler

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Timothy Harper of Mount Desert, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon  
Senate Chair

S/Leila J. Percy  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 611

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 3, 2006

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

Dear Madame President and Speaker Richardson:

In accordance with Public Law 2003, Ch. 469, Part B, the Joint Standing Committee on Health and Human Services has had under consideration the following appointments by the Governor to the Advisory Council on Health Systems Development: Nona Boyink of Mt. Vernon and Arthur Blank of Bar Harbor.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

YEAS	Senators	2	Mayo of Sagadahoc, Rosen of Hancock
	Representatives	10	Burns of South Berwick, Campbell of Newfield, Glynn of South Portland, Grose of Woolwich, Lewin of Eliot, Miller of Somerville, Pingree of North Haven, Shields of Auburn, Walcott of Lewiston, Webster of Freeport
NAYS		0	
ABSENT		2	Sen. Martin of Aroostook, Rep. Sockalexis of Penobscot Nation

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the appointments of Nona Boyink of Mt. Vernon and Arthur Blank of Bar Harbor to the Advisory Council on Health Systems Development be approved.

Signed,

S/Arthur F. Mayo, III  
Senate Chair

S/Hannah Pingree  
House Chair

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

**Joint Orders**

Expression of Legislative Sentiment recognizing:

Lucy E. Stinson, of Bath, for her 15 years as Executive Director of the Maine Trial Lawyers Association. As Executive Director, Ms. Stinson managed a 700-member professional association. Some of her responsibilities included supervising lobbyists; coordinating the governmental affairs program; fundraising; preparing, editing and supervising the printing of three publications; coordinating and promoting multiple continuing legal education programs for Maine lawyers; and organizing and managing the Maine College of Trial Advocacy, an intensive clinical three-day trial training program at the Cumberland County Courthouse. She is a registered lobbyist and has been a member of numerous civic and business organizations. We extend our appreciation to Ms. Stinson for her commitment to the citizens of this State and wish her well in her future endeavors;

SLS 1054

Sponsored by Senator MAYO of Sagadahoc.  
 Cosponsored by Senators: HOBBS of York, BARTLETT of Cumberland, MILLS of Somerset, BRENNAN of Cumberland, GAGNON of Kennebec, President EDMONDS of Cumberland, MITCHELL of Kennebec, PERRY of Penobscot, STRIMLING of Cumberland, BROMLEY of Cumberland, Representatives: GROSE of Woolwich, WATSON of Bath, BRAUTIGAM of Falmouth, MERRILL of Appleton, BRYANT-DESCHENES of Turner, MILLS of Farmington, FAIRCLOTH of Bangor, SMITH of Van Buren, TARDY of Newport, Speaker RICHARDSON of Brunswick, DUPLESSIE of Westbrook, CUMMINGS of Portland, SIMPSON of Auburn, GERZOFKY of Brunswick, DUNN of Bangor, FISHER of Brewer.

**READ.**

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. It's an honor this morning to stand and talk about both a good friend and a constituent. I've known Lucy and her husband, Skip, who is also a lawyer in the Bath area, for many years. Last evening Lucy and my wife were attempting to find out who had buried a time capsule in 1981 and where that time capsule was. They were, after about an hour of their talking and calling other people, able to know where the time capsule is. Finding where it is buried on the front lawn of the Custom's House in Bath may not be the easiest thing in the world, but it was due to be taken out of the ground in June of this year. In addition to what the good Secretary has read this morning, I'd mention a couple of other things that Lucy has been involved with. She is a former State President of the American Association of University Women. She organized and ran a capital campaign for Smith College, contacting all of Smith College's alumni in the state of Maine. She was a member for six years and chair of the Arrowsic

Planning Board. She also served prior to that on the Bath Planning Board. She was a member of the Bath City Council. She was very active and former President of the Bath Regional Association for Retired Citizens. She was one of the founding members of the Maine Maritime Museum and was the first President of the Friends of the Museum. Certainly, in their current life and future life, Lucy and Skip will be much more active in the Boothbay Harbor Yacht Club, seeing that they intend to do a considerable amount of sailing now that she is no longer fully employed. Lucy, we wish you the best in your retirement.

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

Senator **HOBBS:** Thank you, Madame President, men and women of the Senate. I rise today to concur with the remarks of my good colleague and Senator from Sagadahoc, Senator Mayo. I have been honored to have been a personal friend of Lucy and also have dealt with Lucy professionally as the Senate chair of the Judiciary Committee for many years. She is really a true renaissance person and a person of great integrity. Her resume, as you know, is extensive and impressive. Many of you who have served in this Body and in the other Body and served with different interest groups that come before our committees, you like someone that has common sense and you can take their word to the bank and who has dignity and respect for the process. Lucy Stinson has all of that. I wish Skip and Lucy well in the years to come and I would like to extend, on behalf of all of the members of the Maine Trial Lawyer's Association, which I am proudly a member, our best wishes to you on your retirement. You will be sorely missed.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I'm the one who hired Lucy about 100 years ago when I was President of the Maine Trial Lawyer's Association. I have to say that there is no organization that comes before the committees of this legislature who is more easily nullified for a host of reasons, only a few of which are well deserved. Lucy always did a good job putting a good face on an organization that is sometimes hard to defend. I think the important thing, the thing that we lawyers have to be very careful about, is that when we say something in public, and make affirmative declarations, we have to be careful that we've done our homework and that we say it in an open and honest way so that everybody understands that you can at least trust what we are saying. As one famous trial lawyer once said, 'Sincerity is everything. Once you can fake that, you've got it made.' What can I say. Lucy never faked it. Lucy was always sincere. Lucy always had the right and honest thing to say. I think that is an important commodity in this building, and in all sincerity, it's an important commodity in my trade as well. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Lucy Stinson. Would she please rise and accept the greetings and the congratulations of the Maine Senate.

**Joint Resolution**

On motion by Senator **SULLIVAN** of York (Cosponsored by Representative PERRY of Calais and Senators: President EDMONDS of Cumberland, MAYO of Sagadahoc, MILLS of Somerset, Representatives: HARLOW of Portland, LINDELL of Frankfort, MARRACHÉ of Waterville, PILON of Saco, Speaker RICHARDSON of Brunswick, BRAUTIGAM of Falmouth, GLYNN of South Portland, VAUGHAN of Durham, McKANE of Newcastle, RICHARDSON of Warren), the following Joint Resolution:  
S.P. 841

**JOINT RESOLUTION RECOGNIZING THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS**

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for over 110 years; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks are giving back to their communities through a commitment to provide financial literacy programs to Maine's youth and young adults, including the joint American Bankers Association and Maine Bankers Association annual Teach Children to Save Day program, which will reach students in over 100 schools on April 25, 2006; and WHEREAS, in addition, the members give back to their communities through the ABA's Get Smart About Credit program administered each October, the FDIC's Money Smart program, Junior Achievement, the Maine Council on Economic Education's Jump\$tart Financial Literacy and Stock Market Simulation programs and many individual bank programs; and

WHEREAS, these financial literacy programs are providing a financial education that is essential to forming a lifetime of positive habits devoted to saving, the wise use of credit and fiscal responsibility; and

WHEREAS, the associations' members and their employees continue to demonstrate their commitment to children and the communities they serve by donating thousands of volunteer hours and millions of dollars in community contributions in 2005-2006; and

WHEREAS, the commitment to volunteerism and assisting Maine's youth is represented here today by the 2006 Maine Bankers Association America's Promise Volunteers:

Cheri Smith	Bank of America
Amanda Ashe	Bar Harbor Bank & Trust
Vera Rand	Camden National Bank
Angela Franck	First Citizens Bank
David Cambridge	Katahdin Trust Company
Tammy Wheeler	Katahdin Trust Company
Stephen M. Birmingham	Maine Bank & Trust
Marjorie J. Downing	Merrill Bank

Rhonda Kenney	Northeast Bank
Mary Anne Griffin	The First
Ronald Hamilton	Union Trust Company
Richard Fournier	UnitedKingfield Bank; and

WHEREAS, the State's banking industry continues to be an important supporter of the Maine Bar Association's IOLTA program, which provides legal services for Maine's disadvantaged citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their continued commitment and contributions to their communities and for supporting Maine's long tradition of service to others and to recognize the industry's commitment to providing needed financial literacy programs and support for the IOLTA legal services program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and the 2006 America's Promise Volunteers.

**READ.**

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. This resolution honors, as you've heard, the many bankers that are here. Their program, the little red wagon, America's Promise, the Maine bankers and the institutions that they represent really are the engine that drives our economic development here in Maine. They do a wonderful job, from your community savings banks to your large commercial banks. It's a real pleasure to have them here. They will find out that we are not on banker's hours. We are coming back in at 4 o'clock and certainly they are all welcome to come back in with us if they would like to. Sincerely, they have done a wonderful job and we are very proud to honor them today. Thank you, Madame President.

On further motion by same Senator, **ADOPTED.**

Sent down for concurrence.

Off Record Remarks

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**



The Committee on **LABOR** on Bill "An Act To Clarify the Unemployment Laws Relating to Subcontractors"  
H.P. 1287 L.D. 1847

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-937)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-937)**.

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

**READ ONCE.**

Committee Amendment "B" (H-937) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Definition of a Liveable Wage"

H.P. 1424 L.D. 2023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-939)**.

Signed:

Senators:

STRIMLING of Cumberland  
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren  
DRISCOLL of Westbrook  
JACKSON of Allagash  
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 "B" (H-940)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Circuit Breaker Program"

H.P. 1426 L.D. 2025

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-910)**.

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket  
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-910)**.

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Senate**

**Ought to Pass Pursuant to Joint Order**

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules"  
S.P. 843 L.D. 2102

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 839.

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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**Ought to Pass As Amended**

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Further Reduce Mercury Use and Emissions"  
S.P. 787 L.D. 2043

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-561)**.

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

**READ ONCE.**

Committee Amendment "A" (S-561) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure the Availability of Public Drinking Water Supplies"  
S.P. 809 L.D. 2070

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-562)**.

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

**READ ONCE.**

Committee Amendment "A" (S-562) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Clarify the Taxable Status of Parts Provided under a Service Contract"  
S.P. 815 L.D. 2084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-551)**.

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

**READ ONCE.**

Committee Amendment "A" (S-551) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Adjustments to the Allagash Wilderness Waterway"  
S.P. 811 L.D. 2077

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-559)**.

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford  
RAYE of Washington

Representatives:

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

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

Signed:

TWOMEY of Biddeford

Reports **READ**.

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

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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### SECOND READERS

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

#### House As Amended

Bill "An Act To Create Employment Opportunities for People with Disabilities"

H.P. 1351 L.D. 1910  
(C "A" H-938)

Bill "An Act To Allow Heavy Equipment To Be Moved during Nighttime"

H.P. 1454 L.D. 2058  
(C "A" H-942)

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

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#### Senate As Amended

Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

S.P. 507 L.D. 1481  
(S "C" S-554 to C "C" S-437)

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

Sent down for concurrence.

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

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### ENACTORS

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

#### Acts

An Act To Allow Certain End-of-life-care Decision-makers To Consent to Organ and Tissue Donation

H.P. 1282 L.D. 1842  
(C "A" H-890)

An Act To Amend Certain Laws Administered by the Department of Environmental Protection

H.P. 1328 L.D. 1888  
(H "B" H-920 to C "A" H-801)

An Act To Prevent Price Gouging

H.P. 1333 L.D. 1892  
(H "A" H-894 to C "A" H-875)

An Act Regarding Testimony Presented to Joint Select and Joint Standing Committees of the Legislature by Persons Paid To Testify

H.P. 1395 L.D. 1993  
(C "A" H-904)

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

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An Act To Address Eating Disorders in Maine

H.P. 1487 L.D. 2094  
(H "A" H-900)

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

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An Act To Amend the Law Regarding Smoking in Private Clubs

H.P. 1342 L.D. 1901  
(C "A" H-830; S "A" S-537)

On motion by Senator **TURNER** 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 (#385)

YEAS: Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, WESTON, WOODCOCK

NAYS: Senators: BRENNAN, BROMLEY, COWGER, DAMON, DOW, MILLS, ROTUNDO, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

25 Senators having voted in the affirmative and 10 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.

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**Act**

An Act To Amend the Crime of Aggravated Criminal Mischief  
S.P. 706 L.D. 1789  
(C "A" S-504)

Comes from the House **FAILED ENACTMENT**.

On motion by Senator **DIAMOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**

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Off Record Remarks

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**ORDERS OF THE DAY**

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

NOMINATION - of the Honorable Joseph E. Clark of Millinocket, for appointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - April 6, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 6, 2006, Communication (S.C. 606) from the Committee on **INLAND FISHERIES AND WILDLIFE**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#386)**

YEAS: Senators: None

NAYS: 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**

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Joseph E. Clark** of Millinocket, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of William C. Bullock, Jr. of Orrington, for appointment to the Maine Maritime Academy Board of Trustees

Tabled - April 6, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 6, 2006, Communication (S.C. 608) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#387)**

YEAS: Senators: None

NAYS: 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

WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Nicole N. St.Pierre** of Baileyville, for appointment to the Maine Maritime Academy Board of Trustees was **CONFIRMED**.

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **William C. Bullock, Jr.** of Orrington, for appointment to the Maine Maritime Academy Board of Trustees was **CONFIRMED**.

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

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

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

NOMINATION - of Harrison L. Richardson of Gorham, for reappointment to the Maine Maritime Academy Board of Trustees

Tabled - April 6, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 6, 2006, Communication (S.C. 610) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

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

NOMINATION - of Nicole N. St.Pierre of Baileyville, for appointment to the Maine Maritime Academy Board of Trustees

Tabled - April 6, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 6, 2006, Communication (S.C. 609) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

**ROLL CALL (#389)**

YEAS: Senators: None

The Doorkeepers secured the Chamber.

NAYS: 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

The Secretary opened the vote.

**ROLL CALL (#388)**

YEAS: Senators: None

NAYS: 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,

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Harrison L. Richardson** of Gorham, for reappointment to the Maine Maritime Academy Board of Trustees was **CONFIRMED**.

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

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

NOMINATION - of Timothy Harper of Mount Desert, for appointment to the Marine Resources Advisory Council

Tabled - April 6, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 6, 2006, Communication (S.C. 613) from the Committee on **MARINE RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#390)

YEAS: Senators: None

NAYS: 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Timothy Harper** of Mount Desert, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

#### PAPERS FROM THE HOUSE

##### House Paper

Bill "An Act Regarding Prepaid Contracts for Heating Fuel"  
H.P. 1493 L.D. 2101

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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

#### PAPERS FROM THE HOUSE

##### Joint Resolution

The following Joint Resolution:

H.P. 1451

#### JOINT RESOLUTION RECOGNIZING DEREK M. LAVALLEE

WHEREAS, the United States of America at last has duly honored its veterans and fallen heroes of World War II with the dedication of the National World War II Memorial in Washington, D.C., on Saturday, May 29, 2004; and

WHEREAS, Derek M. LaVallee, Vice President of Susan Davis International in Washington, D.C., provided outstanding leadership in the planning and execution of the dedication of the National World War II Memorial and he was a central component of the success of the event; and

WHEREAS, Derek M. LaVallee's skillful direction of guest services for the dedication ceremony made the event the largest ticketed event ever held on the National Mall in Washington, D.C.; and

WHEREAS, 150,000 individuals participated in this event, a great many of whom were veterans of World War II for whom the dedication was so meaningful and appropriate; and

WHEREAS, Derek M. LaVallee is a native of the State of Maine and a graduate of Deering High School in Portland; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Derek M. LaVallee for his devotion to excellence in his duty in commemorating the service and sacrifice of America's World War II generation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Derek M. LaVallee with our appreciation and best wishes.

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

**READ** and **ADOPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education (EMERGENCY)

H.P. 1375 L.D. 1963

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

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

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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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Facilitate Inspections of Heating Appliances and Chimneys"

H.P. 1265 L.D. 1825

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-943)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-943)**.

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

**READ ONCE**.

Committee Amendment "A" (H-943) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

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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 Clarify Laws Governing Eminent Domain"

H.P. 1310 L.D. 1870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-945)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-945)**.

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

**READ ONCE**.

Committee Amendment "A" (H-945) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

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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 **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1456 L.D. 2060

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-948)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948)**.

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

**READ ONCE.**

Committee Amendment "A" (H-948) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Pesticide Registration"

H.P. 1460 L.D. 2065

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-944)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-944)**.

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

**READ ONCE.**

Committee Amendment "A" (H-944) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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

H.P. 1465 L.D. 2071

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-949)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-949)**.

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

**READ ONCE.**

Committee Amendment "A" (H-949) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (3/30/06) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

H.P. 1260 L.D. 1820

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-821)** (7 members)

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

Tabled - March 30, 2006, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**



(In House, March 29, 2006, 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-821) AS AMENDED BY HOUSE AMENDMENT "A" (H-854)** thereto.)

(In Senate, March 30, 2006, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-821) **READ**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-560) to Committee Amendment "A" (H-821) **READ**.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. What this Senate Amendment does is clears up an issue that was brought before the committee. That was to insure that downtown locations are not burdened by some of the restrictions that are required for the location of agency liquor stores. What this will do is allow special consideration for downtown locations, particularly having to do with parking restrictions and whatnot. What this does not do is expand the number of liquor stores that are currently available within a community, which is three. As you will recall, it was not too long ago that we had state liquor stores, but we only had one liquor store per community. With the elimination of the liquor stores, a few years ago the committees decided that three was the appropriate number. There are actually very few communities that have that many. What the House Amendment does and what the bill originally intended to do was to expand the number of liquor stores to four. I think that we received credible testimony that people seem to get a hold of alcohol in this state and there doesn't seem to be a problem. I would encourage you to adopt this Senate Amendment that would accommodate those downtown locations but not expand the availability of liquor in our communities and that we stick with the original decision that it remain at three. That may change some time in the future, but there isn't a great market need to expand to four. In fact, it may be very detrimental to some of those businesses because once you get the fourth store, and the market is not there, then all you are doing is creating a great deal of competition.

The other thing I wanted to point out, for those of you who don't remember, is that the price of liquor is set by the State of Maine. It is not an issue of competition, that the more stores you have the more competition you'll have and it will drive down the price. Liquor is the same price in the state of Maine whether you buy it in Kittery or if you buy it in Fort Kent. The State of Maine sets the retail price of liquor in the state of Maine. Regardless of where you buy it, whether you buy it at a Hannaford Brothers or at a little Barry's General Store in The Forks, which I know is an agency liquor store, you are paying the same price for that same bottle of liquor.

I hope that you will support the pending amendment. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I would ask you to oppose the adoption of this amendment. The committee worked at great length to try to find a way to help out the businesses who would apply for agency liquor store status and were turned down because they were in a downtown area and parking is high on the list of requirements for getting a license. What this ended up doing was shifting liquor licenses away from downtown areas and out to the outskirts of town and into big stores; grocery stores and retail stores. That left nothing for the downtown businesses. The committee looked at different ways to try to bring that group of people back in. I think we came to a real good compromise, we had a good report of 8 - 5, to help these small businesses. The original bill allows for communities with 20,000 or less to go to four liquor stores rather than three if there is not already a liquor store in the town that can meet this description of a downtown, pedestrian-based, economy. This effects approximately 65 towns in the state of Maine, 35 of whom don't even have their third liquor store yet. The third liquor store that is available in these towns would find themselves under the new parameters as set by the bill. In the other towns, where the people have already been locked out, they will continue to remain locked out if you adopt this amendment. That doesn't seem quite fair. That doesn't mean to say that 65 towns are going to suddenly pop up and say, 'We want another liquor store.' If you have that many towns who have already come to the decision that they can't support it, it shows that competition and market demand works. The other 30 towns or so that have been locked out will still have to come to the determination as to whether market demand should be the criteria for opening the agency store. This is not going to cause a huge flood of applications for new liquor stores. It is going to give the opportunity to a very select few communities that need this downtown kind of idea to be able to get in where they were previously locked out.

Same Senator moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-560) to Committee Amendment "A" (H-821).

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

Senator **GAGNON:** Thank you, Madame President. I encourage people to reject the indefinite postponement.

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

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in opposition to the motion before us of indefinite postponement so that we may continue discussion and go on to vote on the amendment. There is a need for what is

in the amendment and I feel that the motion currently before us is going to cause us more problems than it's worth.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Plowman to Indefinitely Postpone Senate Amendment "A" (S-560) to Committee Amendment "A" (H-821). 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 (#391)**

YEAS: Senators: ANDREWS, COURTNEY, DAVIS, HASTINGS, NASS, PLOWMAN, RAYE, SAVAGE, SNOWE-MELLO, TURNER, WESTON

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

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **PLOWMAN** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-560) to Committee Amendment "A" (H-821), **FAILED**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-560) to Committee Amendment "A" (H-821) **ADOPTED**.

House Amendment "A" (H-854) to Committee Amendment "A" (H-821) **READ**.

On motion by Senator **GAGNON** of Kennebec, House Amendment "A" (H-854) to Committee Amendment "A" (H-821) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Committee Amendment "A" (H-821) as Amended by Senate Amendment "A" (S-560) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Later (3/30/06) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Drew Plantation"

S.P. 679 L.D. 1762

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-511)** (9 members)

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

Tabled - March 30, 2006, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **RECEDE** (Roll Call Ordered)

(In Senate, March 27, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, March 29, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**, in **NON-CONCURRENCE**.)

(In Senate, March 30, 2006, Senator **RAYE** of Washington moved to **RECEDE** and **CONCUR**. Senator **SCHNEIDER** of Penobscot moved to **ADHERE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#392)**

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 **GAGNON** of Kennebec to **RECEDE**, **PREVAILED**.

Senator **DAVIS** of Piscataquis moved the Senate **CONCUR**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **DAVIS** of Piscataquis to **CONCUR**.

The Chair laid before the Senate the following Tabled and Later (3/31/06) Assigned matter:

**Emergency**

Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services

H.P. 1401 L.D. 1999

Tabled - March 31, 2006, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 27, 2006, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 30, 2006, **FAILED FINAL PASSAGE**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-541) **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President. Due to it being unnecessary to have an emergency preamble, we wish this amendment to go forward. It will simply strike out that emergency preamble and the emergency clause. Thank you very much.

On further motion by same Senator, Senate Amendment "A" (S-541) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-541)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

**ENACTORS**

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

**Emergency Measure**

An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones  
S.P. 660 L.D. 1743  
(C "A" S-535)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

**Acts**

An Act To Correct Deficiencies in the Divorce Laws  
H.P. 1252 L.D. 1812  
(C "A" H-869)

An Act To Clarify the Change of Beneficiary Provision in the Maine State Retirement System Laws  
H.P. 1290 L.D. 1850  
(C "A" H-921)

An Act To Encourage Energy Independence for Maine  
S.P. 731 L.D. 1931  
(C "A" S-523)

An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs  
H.P. 1391 L.D. 1985  
(C "A" H-825; H "A" H-928)

An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access  
S.P. 780 L.D. 2029  
(C "A" S-526)

An Act To Establish the Island Falls Water District  
H.P. 1470 L.D. 2078

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

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

**ENACTORS**

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

**Resolves**

Resolve, To Direct the Department of Conservation, Bureau of Parks and Lands To Lease Certain Public Reserved Lands to the Town of Allagash

H.P. 653 L.D. 934  
(H "A" H-907 to C "B" H-750)

Resolve, Concerning the Assessment of Property Subject to Affordable Housing Limitations and Benefits

S.P. 713 L.D. 1796  
(C "A" S-531)

Resolve, To Allow the Department of Inland Fisheries and Wildlife To Convey a Part of a Parcel of Land in the Town of Fairfield

H.P. 1444 L.D. 2050  
(C "A" H-922)

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 1.03: Waters of Special Significance, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

H.P. 1461 L.D. 2066

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education

H.P. 1464 L.D. 2069

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

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

**ENACTORS**

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

**Acts**

An Act Relating to Community Sanitary Districts

H.P. 468 L.D. 635  
(C "A" H-908)

An Act To Protect Children from Contact with Convicted Sex Offenders

S.P. 695 L.D. 1778  
(C "A" S-536)

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

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An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats

S.P. 709 L.D. 1792  
(C "A" S-533)

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 (#393)**

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

**ORDERS OF THE DAY**

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Drew Plantation"

S.P. 679 L.D. 1762

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-511)** (9 members)

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

Tabled - April 6, 2006, by Senator **GAGNON** of Kennebec

Pending - motion by Senator **DAVIS** of Piscataquis to **CONCUR**

(In Senate, March 27, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, March 29, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**, in **NON-CONCURRENCE**.)

(In Senate, March 30, 2006, Senator **RAYE** of Washington moved to **RECEDE** and **CONCUR**. Senator **SCHNEIDER** of Penobscot moved to **ADHERE**.)

(In Senate, April 6, 2006, on motion by Senator **GAGNON** of Kennebec, **RECEDED**)

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 Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President and men and women of the Senate. I rise in support of the motion to concur. I just want to recap, prior to the vote, the situation surrounding this bill. We're talking about the deorganization of Drew Plantation, a little town whose population during the last census was 57. It was heard in the public hearing before the State and Local Government Committee it is now thought to be considerably lower than that, perhaps in the 40's. I understand there are about 12 children under the age of 18 in the community, I think perhaps nine of whom are school age. One thing that I want to point out is that Drew Plantation is almost completely surrounded by the unorganized territory. They are bordered on east, west and south by the unorganized territory. They are bordered on the north by another town, the small town of Reed Plantation. It's important for the Senate to understand that Reed Plantation is in a different county. Reed Plantation is actually in Aroostook County as opposed to Penobscot County. In debate yesterday the good Senator from Penobscot, Senator Schneider, who is also the chair of the State and Local Government Committee, argued that the strong Ought to Pass report from that committee spoke to the wisdom of enacting the land use legislation that we considered

yesterday. I agreed and so did the Senate. We enacted that. The same argument could be made for the strong Ought to Pass report of the committee on this bill. Also yesterday we stood with the men and women of Chebeague in honoring their local self-determination for the future of their community. I'm very proud of the Senate's strong vote on that issue and I ask that we do the same with the tiny town of Drew Plantation and support the motion. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I do not support deorganization of Drew. I think I've made that abundantly clear. It is true that there was a strong committee report on the opposite side, however, as the chair of the State and Local Government Committee, I feel it's my duty to let people know that there are a significant number of other communities looking at deorganization. We have simply set it up, unfortunately, favorably giving tax incentives and school funding incentives to communities to deorganize. I feel very strongly that I would be in support of the deorganization of Drew if they still wanted to proceed with the deorganization after we 'de-incentivised' the tax situation. However, I feel that this is something that we need to correct, whether it's myself or another chair of that committee. I will really be pushing for a change in the incentive to deorganize. It's not the direction that I think we should go. I don't think communities should become wards of the state. I do feel that there are a significant number of communities watching us right now. We're looking at potentially between 50 and 60 other communities. This is something that could really impact the state in a very negative way. I do feel very much that Drew has a strong case. I do feel that before we take this kind of action that we make that change and take the tax incentive away. When they come forward they will have the reasons that are not tax related. Thank you very much, Madame President.

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

Senator **ANDREWS:** Thank you, Madame President and fellow colleagues. I listened to three different proposals for secession or deorganization while serving on the State and Local Government Committee. I can truthfully say that with two of those the words tax incentive or tax problem were not mentioned. One was secession for Chebeague and the other one was Drew Plantation. The third one, which we did not approve, was Cooper. The word tax was used there several times and I did not support that proposal. This is a tiny town with probably 20 to 30 adults whose people cannot even fill the town offices. They have no mechanism to do that. Taxes had no part in this whatsoever. They are just trying to survive on their own as best they could and can no longer fill these slots. As the good Senator from Washington, Senator Raye, mentioned, they are surrounded on three sides by unorganized territory. Who can they join with? On the fourth side it is a town in Aroostook County. This small community really has no options. I would ask you to support this motion. Thank you.

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

Senator **SCHNEIDER**: Thank you, Madame President. I just hope that you will defeat the concur motion. Thank you very much.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Piscataquis, Senator Davis to Concur. 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 (#394)**

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

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

ABSENT: Senator: BRYANT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAVIS** of Piscataquis to **CONCUR**, **PREVAILED**.

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Senate at Ease.

Senate called to order by the President.

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

**SECOND READERS**

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

**House As Amended**

Bill "An Act To Clarify the Unemployment Laws Relating to Subcontractors"

H.P. 1287 L.D. 1847  
(C "B" H-937)

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

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**Senate**

Bill "An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules"  
S.P. 843 L.D. 2102

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Further Reduce Mercury Use and Emissions"  
S.P. 787 L.D. 2043  
(C "A" S-561)

Bill "An Act To Ensure the Availability of Public Drinking Water Supplies"

S.P. 809 L.D. 2070  
(C "A" S-562)

Bill "An Act To Clarify the Taxable Status of Parts Provided under a Service Contract"

S.P. 815 L.D. 2084  
(C "A" S-551)

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

Sent down for concurrence.

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

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

**SECOND READERS**

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

**House**

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education (EMERGENCY)

H.P. 1375 L.D. 1963

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

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**House As Amended**

Bill "An Act To Facilitate Inspections of Heating Appliances and Chimneys"

H.P. 1265 L.D. 1825  
(C "A" H-943)

Bill "An Act To Clarify Laws Governing Eminent Domain"

H.P. 1310 L.D. 1870  
(C "A" H-945)

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1456 L.D. 2060  
(C "A" H-948)

Bill "An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Pesticide Registration"

H.P. 1460 L.D. 2065  
(C "A" H-944)

Bill "An Act To Increase Wetland Protection"

H.P. 1465 L.D. 2071  
(C "A" H-949)

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

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

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Off Record Remarks

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Friday, April 7, 2006, at 10:00 in the morning.