

MAINE STATE LEGISLATURE

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



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
Tuesday
April 11, 2006

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

Prayer by Pastor David Kelly, Grace Bible Church of Sangerville.

PASTOR KELLY: It's my privilege to be here with you this morning. As I was thumbing through a book of prayers by Peter Marshall, who served as U.S. Senate Chaplain, I didn't anticipate actually praying one of his prayers until I read the one for January 8, 1947. I thought this would be most appropriate for this Body here this morning. Let us pray.

Eternal Father of our souls, grant to the members and the officers of this Body a sacred moment of quiet err they take up the duties of the day. Turn their thoughts to Thee and open their hearts to Thy spirit, that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. Let them not think when this prayer is said that their dependence upon Thee is over and forget Thy councils for the rest of the day. Rather from these moments of heart-searching may there come such a sweetness of disposition that all may know that Thou art in this place. From this holy interlude may there flow light and joy and power that will remain with them until night shall bring Thy whispered benediction; well done, good and faithful servant. So help us all this day, through Jesus Christ, Our Lord, Amen.

Reading of the Journal of Monday, April 10, 2006.

Off Record Remarks

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The 91st Anniversary of the Armenian Genocide. On April 24, 1915, a campaign was launched by the Turkish regime of the Ottoman Empire against the Armenian people, resulting in the death of more than 1.5 million Armenians. Some of the survivors settled in the State of Maine and their heirs have made significant contributions to the State. We join our citizens of Armenian heritage on April 24th in remembering this event, and we express our deepest sympathy for the families of those who perished;

SLS 1074

Sponsored by Senator BRENNAN of Cumberland. Cosponsored by Senators: WESTON of Waldo, DAVIS of Piscataquis, GAGNON of Kennebec, President EDMONDS of Cumberland, Representatives: Speaker RICHARDSON of Brunswick, DUPLESSIE of Westbrook, CUMMINGS of Portland, BOWLES of Sanford, TARDY of Newport.

READ.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I will brief with my comments, not because we shouldn't pay attention to this particular issue, but simply because my voice is not what I'd like it to be today.

I hope that you will join me in welcoming members of the Armenian community who are here today to celebrate the 91st anniversary of the genocide that occurred. Clearly, this was a terrible tragedy and a blemish on world history. The fortunate part of this terrible incident is the fact that a number of people of Armenian decent did move to the state of Maine and have made significant contributions to communities throughout the state of Maine. I have been fortunate, in the greater Portland area, to meet many members of the Armenian community and recognize the tremendous contributions that they have made to this state.

Again, I hope you will join me in welcoming them today and recognizing the contribution that they have made to the state as a result of this terrible tragedy. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Harry McKenney, John Malkonian, Peter Drivas, Delores Drivas, Kathy Durgerian, Anna Turcotte, Laura Labbe, Gerald Kiladjian, and Debbie Boyajian. Would they please rise and accept the greetings of the Maine Senate.

ORDERS

Joint Resolution

On motion by Senator **BRENNAN** of Cumberland, under unanimous consent on behalf of President EDMONDS of Cumberland (Cosponsored by Senator: MAYO of Sagadahoc, Representative: PINGREE of North Haven), the following Joint Resolution:

S.P. 849

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that affects approximately 7,000 people in Maine and approximately 1,500,000 in the United States, as well as their numerous care providers; and

WHEREAS, there are 60,000 new patients diagnosed with Parkinson's disease annually in the United States, and this disease causes a loss of cell function deep within the brain, which disrupts and may end the lives of those who suffer from it as well as overwhelm the lives of their families and friends; and

WHEREAS, the symptoms of Parkinson's disease are not well understood by or well known to the general public, and this situation creates distress and danger in the lives of Parkinson's patients; and

WHEREAS, the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Center are all established at a central location in Falmouth, Maine; and

WHEREAS, the need to train, inform and educate health workers and police officers, firefighters and other public safety personnel is urgent, and there is a need to train hospital emergency room personnel statewide in the proper assessment of incoming Parkinson's patients; and

WHEREAS, there exists a network of 11 Parkinson's support groups statewide but only one neurologist specializing in this disease in the State of Maine, making access to treatment limited for prospective patients; and

WHEREAS, World Parkinson's Awareness Day is April 11, 2006, and the month of April is Parkinson's Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, commit ourselves to supporting all efforts by the Parkinson's disease community to close the gaps in services, training, education and care; and be it further

RESOLVED: That we recognize World Parkinson's Awareness Day on April 11, 2006 and that the month of April is Parkinson's Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society, the Maine Chapter of the American Parkinson Disease Association and the MaineHealth Learning Resource Center.

READ and ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Harold Jones, President of the Maine Parkinson's Society; Karen Bardo, Founder of the Maine Parkinson's Society; Lillian Scenna, Program Manager of the Parkinson's Information Referral Center; and Ivan Suzman, APDA Legislative Liason, Volunteer, and Staff Writer of the Parkinson's Disease Foundation. Would they please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing"

H.P. 1392 L.D. 1987

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-965).**

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
CAMPBELL of Newfield

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
LEWIN of Eliot
GLYNN of South Portland

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965).**

Reports **READ.**

Senator **MAYO** of Sagadahoc 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.

Senate

Ought to Pass As Amended

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent State Taxpayers from Subsidizing Large Employers"

S.P. 727 L.D. 1927

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-580)**.

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

READ ONCE.

Committee Amendment "A" (S-580) **READ**.

On motion by Senator **MAYO** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-580).

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services

S.P. 769 L.D. 1991

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-581)**.

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

READ ONCE.

Committee Amendment "A" (S-581) **READ**.

On motion by Senator **MAYO** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-581).

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services"

S.P. 818 L.D. 2086

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-583)**.

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

READ ONCE.

Committee Amendment "A" (S-583) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Protect Workers from Political or Religious Intimidation"
S.P. 724 L.D. 1924

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

Signed:

Senators:

BARTLETT of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-582)**.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

JACKSON of Allagash
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report.

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

Sent down for concurrence.

Divided Report

Nine members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Update Teachers' Minimum Salaries"

S.P. 480 L.D. 1381

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-577)**.

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot

Representatives:

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

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senator:

TURNER of Cumberland

Representatives:

STEDMAN of Hartland
LANSLEY of Sabattus

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-578).**

Signed:

Representative:

MERRILL of Appleton

Reports **READ.**

Senator **MITCHELL** of Kennebec moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577).**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577).**

SECOND READERS

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

House

Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

H.P. 1453 L.D. 2057

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

Sent down for concurrence.

House As Amended

Bill "An Act To Support the Efficient Implementation of Maine's Learning Results" (EMERGENCY)

H.P. 989 L.D. 1425
(C "A" H-913)

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

Senate As Amended

Bill "An Act To Ensure Proper Disposal of Debris and Protection of the Environment"

S.P. 47 L.D. 141
(C "C" S-573)

Bill "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters " (EMERGENCY)

S.P. 789 L.D. 2044
(C "A" S-575)

Bill "An Act To Implement the Recommendations of the Commission To Reform the State Budget Process"

S.P. 790 L.D. 2045
(C "A" S-570)

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 Regarding Continuing Improvements in the MaineCare Program

S.P. 674 L.D. 1757
(C "A" S-547)

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

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

Acts

An Act Authorizing the Deorganization of Drew Plantation
S.P. 679 L.D. 1762
(C "A" S-511)

On the Part of the House:

Representative KOFFMAN of Bar Harbor
Representative DUCHESNE of Hudson
Representative DAIGLE of Arundel

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

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

The Senate **RECEDED** and **CONCURRED**.

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

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine" (EMERGENCY)

H.P. 1496 L.D. 2106

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1488.

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

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

READ ONCE.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances"

H.P. 1080 L.D. 1535

Had the same under consideration, and asked leave to report:

That the House **Read** and **Accepted** the Report.

That the Senate **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "B" (H-833)**.

That the Senate **Concur** to **Passage to be Engrossed As Amended by Committee Amendment "A" (H-832)**.

On the Part of the Senate:

Ought to Pass Pursuant to Statute

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act"

H.P. 1495 L.D. 2105

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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

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

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **MITCHELL** of Kennebec, Senate Amendment "A" (S-579) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-579), in NON-CONCURRENCE.

Sent down for concurrence.

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into Long-term Ground Leases of Real Property and To Convey the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute
H.P. 1241 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-973).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973).**

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

READ ONCE.

Committee Amendment "A" (H-973) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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

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

COMMUNICATIONS

The Following Communication: S.C. 628

**122ND LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

April 11, 2006

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien,

Please be advised that I have appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Make Revisions to the Laws Governing Pesticide Control" (H.P. 1330) (L.D. 1890) the following conferees on the part of the Senate:

Senator Nutting of Androscoggin County
Senator Bryant of Oxford County
Senator Raye of Washington County

Sincerely,

S/Beth Edmonds
President of the Senate

READ and **ORDERED PLACED ON FILE.**

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.

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing"

H.P. 1392 L.D. 1987

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-965)** (9 members)

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

Tabled - April 11, 2006, by Senator **MAYO** of Sagadahoc

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

(In House, April 10, 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-965).**)

(In Senate, April 11, 2006, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-965) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Protect Workers from Political or Religious Intimidation"
S.P. 724 L.D. 1924

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-582)** (5 members)

Tabled - April 11, 2006, by Senator **STRIMLING** of Cumberland

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

(In Senate, April 11, 2006, 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 Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I stand in support of the motion in front of you and I encourage my colleagues to support it as well. Just to talk a little bit about what this bill does, because there certainly has been quite a bit of misinformation going out and about concerning what this is looking to do. Let me be as short and succinct as I can in terms of what it accomplishes. It says, in its entirety, an employer may not fire you because you refused to participate in a meeting in which that employer wants to preach to you about a political perspective. That is it. There is all kinds of talk going on about this limits somebody's ability to free speech. It's going to stop all the water-cooler talk in an office. All of that is nothing. This is about an employer not being able to fire you or take some kind of adverse employment action against you because you don't want to sit there and listen to them preach about how great the Democratic party is. That is it in its entirety. When you hear all of this other stuff going on, I ask you to cast it aside. I think everyone of us believes if you sit down and talk to them and say, 'Do you think your employer should be able to bring you into the office and say he wants to talk to you about his political beliefs?' He says that you will have to listen for one hour and if you stand up and say, 'I really don't want to hear about that' that they should be able to fire you. Nobody would say that is okay if they brought you into the office and said they wanted to tell you all about how fantastic Governor Baldacci is and all the great work he's done, everything he's accomplished for the state of Maine. I could run off the list. I don't have enough fingers and toes. If you don't want to hear about it, you have a right to stand up and walk out. Today your employer could fire you. Unfortunately, we have seen it in the state. We have heard about instances of it. It has happened. There is currently a case in front of the Ethics Commission in which employees for a large business were required to work on behalf of a candidate, so they are claiming. One of them protested to their employer and that employer said, 'We'll crush you like a bug if you decide not to do this work or if you mention it' this person said. Well, the employer, unfortunately, was correct. They could have fired that person right there and then. Under this bill, it gives them that protection. Madame President, I encourage my colleagues to support the motion to protect worker's rights to be able to vote how they chose and to be able to have respectful dialog in their place of employment because it is the right thing to do, Madame President. Thank you very much.

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, of course, in opposition to the minority Ought to Pass report. Let me say that sometimes I feel that we're in two different worlds here. This L.D. 1924 should be called the Employer Gag Law. This proposal would create a new class of employment discrimination claims. This bill would do far more than what the good Senator from Cumberland, Senator Strimling, suggested. It would prohibit an employer from taking any adverse employment action because an employee refuses to attend an employer sponsored meeting to discuss political matters, union organizing, or refuses to participate in any communication concerning a political matter. Ladies and gentlemen, alleged violations could result in costly proceedings before the Maine Human Rights Commission and possibly the courts. This would make Maine the first state in the

nation to have such a far-reaching employer gag law. Is that what this state wants to do? I hope not. This is nothing more than an unwarranted assault on employers' free speech rights. Ladies and gentlemen, that is part of the United State's Constitution. That is our liberty to have free speech. It's underlying purpose is to intimidate employers and discourage them from communicating with employees about even the simplest political matters including issues that could have significant impact on the organization. This bill makes the consequences of any such communication or meeting onerous. The threat of defending ones self in front of the Human Rights Commission will place a chill on the free speech rights of employers of all sizes, shapes, and forms in Maine. This law would apply to public and private employers from the biggest to the smallest, both for profit and non-profit. Ladies and gentlemen, I hope you can see that has far more unintended consequences than the good Senator from Cumberland, Senator Strimling, referred to. I hope that you will join me in supporting the majority report and vote Ought Not to Pass on L.D. 1924. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#412)

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

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

ABSENT: Senator: SAVAGE

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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 Offer Financial Institutions an Option for Payment of the Maine Franchise Tax"

S.P. 678 L.D. 1761
(C "A" S-453)

In Senate, February 16, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453) AS AMENDED BY HOUSE AMENDMENT "A" (H-953)** thereto, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY) H.P. 1481 L.D. 2090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-983)**.

Signed:

Senators:
COWGER of Kennebec
MARTIN of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-984)**.

Signed:

Senator:
SNOWE-MELLO of Androscoggin

Representative:
JOY of Crystal

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-983)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-983)**.

Reports **READ**.

On motion by Senator **COWGER** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-983)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-983) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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. 1500

JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF THE NAVY TO HONOR THE GIFT OF 1,000 ACRES KNOWN AS BRUNSWICK COMMONS BESTOWED IN 1719 BY THE PEJEPSCOT PROPRIETORS TO THE CITY OF BRUNSWICK FOREVER AND RETURN IT TO THE CITY AT NO COST

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Honorable Gordon R. England, the Secretary of the Navy, as follows:

WHEREAS, nearly 300 years ago, in 1719, the Pejepscot Proprietors donated 1,000 acres of land in the Township of Brunswick to be laid out as a "general perpetual commonage to ye town of Brunswick forever"; and

WHEREAS, the Town of Brunswick accepted the gift in 1774 and laid out the 1,000 acres that would come to be known as Brunswick Commons. In 1783 a deed was conveyed to the town selectmen, and the land became property of the town forever; and

WHEREAS, an 1816 survey was recommended by the Town Commons committee as the correct survey of the land, and in 1891 granite monuments were placed to mark the boundaries of the deeded land; and

WHEREAS, the Federal Government took the majority of Brunswick Commons to build the Brunswick Naval Air Station, which served this nation well during World War II. Five of the original granite markers of the Brunswick Commons are within the boundary of the current base; and

WHEREAS, the base was deactivated after World War II in 1946 and recommissioned in 1951 and has been active since that date, providing support to the United States military as a vital part of America's defense system; and

WHEREAS, Brunswick Naval Air Station was targeted for decommissioning in the latest round of federal base closings, with the direction that the base be sold to the highest bidder instead of returning the land to its original use as described by deed; and

WHEREAS, the original deed clearly meant for this land to be for the common good of the Town of Brunswick and, while the subsequent use of the land for Brunswick Naval Air Station was important for our national security, the Town of Brunswick and the people of Maine feel strongly that, since the Federal Government no longer has need of this land, it should be returned to its original source; and

WHEREAS, the Town of Brunswick declared in 1968 the full 1,000 acres of the Brunswick Commons to be an Historic Landmark, and the Town of Brunswick and the people of the State of Maine seek to make the original Brunswick Commons whole again, at no cost to the Town of Brunswick; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that Secretary England do all in his power to see that the land deeded to the people of Brunswick be returned to the people of Brunswick at no cost, now that the Federal Government no longer wants this historical tract of land; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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. 1498

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, recent statistics show that Maine's 7,200 farms, the bulk of which are small, family farms, provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises and associated industries provide more than \$500,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,700,000 acres of land, a vital resource in maintaining the food security of Maine people, and an overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine is first in New England in the production of food, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, 2nd in the Nation in the production of maple syrup, 6th in the Nation in the production of fall potatoes, 2nd in New England in milk and livestock production and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources as a token of the esteem in which those in this vital field are held.

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

READ.

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

Senator **NUTTING:** Thank you, Madame President. I'll be very brief. I don't want to be the person standing between this Body and the Grange lunch at noon. I'd like to call your attention not only to the supplement but also that this morning the Maine Farm Bureau had some census data regarding agriculture, its gross receipts, and its importance in every county on our desks. I also want to remind the Body that agriculture and forestry are the two businesses in Maine that have the highest multiplier effect in our

economy; higher than manufacturing and higher than any other type of business. Thank you.

ADOPTED, in concurrence.

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:

Senate As Amended

Bill "An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services"
S.P. 818 L.D. 2086
(C "A" S-583)

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

Sent down for concurrence.

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

Bill "An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine" (EMERGENCY)
H.P. 1496 L.D. 2106

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

House As Amended

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into Long-term Ground Leases of Real Property and To Convey the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute
H.P. 1241 L.D. 1733
(C "A" H-973)

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

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

COMMUNICATIONS

The Following Communication: H.C. 442

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

April 11, 2006

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

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby it Failed to Engross Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance" (H.P. 1394) (L.D. 1990)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/09/06) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT**, on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Department of Labor Building at 19 Union Street in Augusta

H.P. 1311 L.D. 1871

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-744)** (9 members)

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

Tabled - February 9, 2006, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, February 9, 2006, Reports **READ**.)

(In House, February 8, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-744)**.)

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.

On motion by Senator **SCHNEIDER** of Penobscot, **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. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (3/23/06) Assigned matter:

JOINT ORDER - Directing the Joint Standing Committee on Legal and Veterans Affairs To Study the Adequacy of Information Provided by the Office of the Secretary of State Regarding Referendum Questions

H.P. 1482

Tabled - March 23, 2006, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, March 23, 2006, **READ** and **PASSED**.)

(In Senate, March 23, 2006, **READ** and **PASSED**. On motion by Senator **GAGNON** of Kennebec, **RECONSIDERED**.)

Senator **GAGNON** of Kennebec moved to **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE**.

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 order had requested was exactly what the committee had already taken care of in a previous committee bill, L.D. 2029, which was passed by this Body and the other and I believe has been signed by the Governor or is about to be. There is no need for this order. Thank you.

On motion by Senator **GAGNON** of Kennebec, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/29/06) Assigned matter:

NOMINATION - of Richard A. Oravetz of Holden for appointment to the Maine School of Science and Mathematics Board of Trustees

Tabled - March 29, 2006, by Senator **BRENNAN** of Cumberland

ROLL CALL (#413)

Pending - **CONSIDERATION**

(In Senate, March 29, 2006, Communication (S.C. 565) from the Committee on **EDUCATIONAL AND CULTURAL AFFAIRS** **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **MITCHELL:** Thank you, Madame President and distinguished colleagues in the Senate. I'd like to speak very briefly concerning the nomination of Mr. Oravetz of Holden as a Board Member of the Maine School of Science and Mathematics. His hearing was extraordinarily interesting. This gentleman has credentials that are impeccable. I remember asking, as chair of the committee, how one of such high caliber would come to take the time to serve on this board. I will, of course, be voting for Mr. Oravetz, as I did in committee. The reason that I have requested more time from the Senate was to have more conversations with Mr. Oravetz. Subsequent to the hearing it came to the attention to some members of the committee that there was a question of his support for public education in Maine. He is very supportive of the Maine School of Science and Mathematics but not as certain about his support for public education in Maine. I have talked with him subsequently. I'm more than willing to give him the benefit of the doubt. He is extraordinarily qualified to serve on this board, but as the chair of the Education Committee, I care not only about the School of Science and Mathematics but also care about kids in the schools all over the state. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I also found out information since the confirmation hearing that, obviously, did not become public until later. I will be voting against the confirmation for one reason, and perhaps one reason alone. It has been suggested that the school in Limestone be moved to Brunswick Naval Air Station. I'm hoping that by the time that he gets on the board and gets confirmed today, that he will see the error of his ways and will support the school because I think that it is where it belongs and that is where the program happens to be. It is, I think, an illustration, perhaps in part, that we need to look at people nominated, even by my own Governor, with a jaundiced eye. I will be voting against confirmation.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: BARTLETT, BROMLEY, BRYANT, CLUKEY, COWGER, DAMON, HOBBS, MARTIN, NUTTING, RAYE, ROTUNDO, STRIMLING, SULLIVAN

NAYS: Senators: ANDREWS, BRENNAN, COURTNEY, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, MAYO, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, ROSEN, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SAVAGE

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, and 13 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 **Richard A. Oravetz** of Holden for appointment to the Maine School of Science and Mathematics Board of Trustees was **CONFIRMED**.

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

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

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

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

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

Senator **BRYANT** of Oxford was granted unanimous consent to address the Senate off the Record.

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland,
RECESSED until 4:30 in the afternoon.

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 **STATE AND LOCAL GOVERNMENT**, on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Department of Labor Building at 19 Union Street in Augusta

H.P. 1311 L.D. 1871

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-744)** (9 members)

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

Tabled - April 11, 2006, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, February 9, 2006, Reports **READ**.)

(In House, February 8, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-744)**.)

Senator **WESTON** of Waldo requested and received leave of the Senate to withdraw her motion for a Roll Call.

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

READ ONCE.

Committee Amendment "A" (H-744) **READ.**

On motion by Senator **SCHNEIDER** of Penobscot, Committee Amendment "A" (H-744) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "A" (S-576) **READ.**

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

Senator **SCHNEIDER:** Thank you, Madame President. This amendment simply will allow the amount to be taken from the cascade, which already has a designation of 10% for capital improvements. I've been told that this is a high priority for this project for the Labor Building. This will allow the Department to purchase the piece of property from the U.S. Government. It will allow them to do some relocation work and some work to get rid of things like asbestos and that sort of thing. It will be the first phase of this project. It will be a pay-as-you-go way to deal with this project. If the money is not in the cascade the project will not be able to move forward. It is a way that we will be able to move forward with this project without having to bond or take funds out of the General Fund budget. I hope that you will support this as amended.

On further motion by same Senator, Senate Amendment "A" (S-576) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-576), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/10/06) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act Regarding the Maine Insurance Guaranty Association"
H.P. 1463 L.D. 2068

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-941)** (8 members)

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

Tabled - April 10, 2006, by Senator **STRIMLING** of Cumberland

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

(In House, April 7, 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-941)**.)

(In Senate, April 10, 2006, 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 (#414)

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, 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-941) **READ.**

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-584) to Committee Amendment "A" (H-941) **READ.**

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

Senator **SNOWE-MELLO:** Thank you, Madame President. I'm not sure on procedure how this is going to work. Is the good Senator from Cumberland, Senator Strimling, going to explain the amendment?

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

Senator **STRIMLING:** Thank you, Madame President. The amendment that has been put forward basically takes out the penalties that are in there and leaves in place the audit, which is the important part of this. It takes away the penalties for a future legislature to decide.

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. Although this amendment does take out the penalties, which I approve of and I think is a good thing, I still have sort of a gut reaction to this bill. I'm not quite sure whether I will still support the bill. Let me just tell you why. Maine Insurance Guaranty Association, known as MIGA, acts as sort of the FDIC of the insurance world. MIGA is a non-profit association created under Maine law in 1969 to provide a mechanism through which claims of Maine residents that were insured by carriers that are insolvent can collect on their claims. The statutes governing MIGA are nearly identical to those in

almost every state in the country. To my mind, that is a good thing. MIGA adheres to Maine insurance code and the Superintendent of Insurance has regulatory authority over it. One thing that I was surprised to learn while researching this bill is that no Workers' Compensation Board anywhere in the United States possesses authority over a guaranteed fund. L.D. 2068 intent to allow the Workers' Compensation Board to engage in the audit enforcement and monitoring of the Maine Insurance Guaranty Association is unprecedented in this country. I understand that this legislature often likes to follow the lead of the Starship Enterprise and go where no legislature has gone before, but this is one instance where we should stay put rather than putting the ship and its entire crew at risk. I honestly don't believe that it is a good idea to go down this course. I think the way the system of MIGA has been working since its creation has worked well. Why should we change it? Another thing that troubles me is that L.D. 2068 was not approved by the Workers' Compensation Board and this is required by statute. Nor did the board act by December 1st, as required by statute, to address this issue. MIGA is already required to conduct audits on claims and financial audits, the results of which are shared with the Bureau of Insurance. Fewer than a hundred claims are currently open. I believe the figure is more like 80. MIGA has, over the years, paid more than \$98 million to Maine residents for Workers' Comp claims and issued over 90,000 checks with little trouble or complaints. I ask you not to vote for this amendment but in the future, when the bill comes back to us, I would ask that you not support the bill. Thank you.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. Up until the amendment, which has been proposed, I was not in favor of this particular piece of legislation. I am now, at this point.

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

Off Record Remarks

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion. In our committee this bill came to us because of problems with the Maine Insurance Guaranty Association. Over the years there have been some very poor claim handling practices, unfortunately, done by MIGA. We learned that there were problems with MIGA representatives not attending Workers' Comp mediations. There were problems with them not returning phone calls for months on end. There were problems with them not paying out claims, even after a judgment had been entered against them. This is particularly important in the context of Workers' Comp. Workers' Comp laws are very different than what other insurance laws deal with. Under the

Workers' Comp system employees and employers have entered into a bargain of sorts. Employees have agree to give up their tort claims, their right to go and seek pain and suffering as well as their compensatory damages in a court of law, in return for very swift payments of medical bills and of lost benefits. As part of that, the law requires that when an order has been entered the benefits be paid out within 10 days. It also requires, if you are going to challenge a claim, that you provide notice of that within 14 days.

The purpose of that is to try to move the process along so there would be certainty. When you do not have a claims handler attending mediations, not paying out claims, and sending workers into bankruptcy, you start compromising the whole system. Those costs are just going to be pushed on to somebody else. This process was initiated simply to try to insure that MIGA claims handlers are treated just like every other Workers' Comp insurer in the state, which is that they be subject to audits to make sure that they are complying with the law.

Originally the bill had penalties imposed. This amendment takes off those penalties. We did that as a way of trying to compromise and come to an agreeable resolution that will allow the Workers' Comp Board to go in, audit the books, and just find out what is going on. Penalties are not going to be assessed under this amendment. It was constructive that at the times of our work sessions the MIGA representatives agreed with this. They agreed that, ultimately, they would not be opposed to audits. What they really didn't like were the penalties. Having met MIGA and done exactly what they requested with this amendment, we certainly hope that everybody can come and support this.

Just as a final note, in order for the Workers' Comp system to have structure we need insure that workers get paid quickly and easily and when they don't it is not just the employee that gets hurt but the employers are well. Imagine being an employer that has an employee that has missed some time, that is owed some benefits, and they are not getting paid. That is going to compromise your position, particularly if you continue to have that employee on your workforce. This is not a typical Workers' Comp battle between employers and employees. This is really a unique situation with MIGA. We may well be the first in the states to do this, but we're also the first state to have clearly documented problems. We have lots of literature that was presented to the committee of exchanges back and forth with MIGA representatives who essentially acknowledged that these claims were not handled properly for months on end and no action was taken. What we would like to do is get it out of the books and decide whether further action may be needed in the future. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Adopt Senate Amendment "A" (S-584) to Committee Amendment "A" (H-941). 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 (#415)

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

NAYS: Senators: ANDREWS, CLUKEY, DAVIS, NASS, ROSEN, WESTON

ABSENT: Senator: SAVAGE

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-584) to Committee Amendment "A" (H-941), **PREVAILED**.

Committee Amendment "A" (H-941) as Amended by Senate Amendment "A" (S-584) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY SENATE AMENDMENT "A" (S-584)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/04/06) Assigned matter:

An Act Regarding Storm Water Program Administration
H.P. 1435 L.D. 2035
(C "A" H-879)

Tabled - April 4, 2006, by Senator **MAYO** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879)**, in concurrence.)

(In House, April 3, 2006, **PASSED TO BE ENACTED**.)

On motion by Senator **COWGER** of Kennebec, 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-879)**, 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-879).

On further motion by same Senator, Senate Amendment "A" (S-594) to Committee Amendment "A" (H-879) **READ**.

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

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. Very briefly, this amendment pertains to something that is called a site lot planning permit. There are five or six of these so-called planning permits for large-scale projects like university campuses and multi-phased developments. An issue has come up with one particular development, but it would apply to all these permits, whereby we have actually changed the storm water rules along the way, not in this bill but in past legislation. We worked closely with the interested parties on this bill and worked closely with the Department of Environmental Protection in providing the language here that provides some flexibility in those cases where the initial planning permit cannot allow the meeting of the new rules. I think it's an appropriate amendment to add to the bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-594) to Committee Amendment "A" (H-879) **ADOPTED**.

Committee Amendment "A" (H-879) as Amended by Senate Amendment "A" (S-594) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879) AS AMENDED BY SENATE AMENDMENT "A" (S-594) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/10/06) Assigned matter:

SENATE REPORTS -from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Further the Implementation of the Essential Programs and Services Funding Model"

S.P. 683 L.D. 1766

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-566)** (10 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (S-567)** (2 members)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - April 10, 2006, by Senator **RAYE** of Washington

Pending - motion by Senator **MITCHELL** of Kennebec to **ACCEPT** Report "C", **OUGHT NOT TO PASS**

(In Senate, April 10, 2006, Senator **MITCHELL** of Kennebec **WITHDREW** her motion to **ACCEPT** Report "A", **Ought to Pass as Amended by Committee Amendment "A" (S-566)**. On further motion by same Senator, Report "C", **Ought Not to Pass** was **ACCEPTED**. On motion by Senator **RAYE** of Washington, **RECONSIDERED**.)

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

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:

Act

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#416)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend Certain Animal Health Laws"
H.P. 1293 L.D. 1853
(C "B" H-918)

In Senate, April 5, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-918)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-918) AS AMENDED BY HOUSE AMENDMENT "A" (H-988)** thereto, in **NON-CONCURRENCE**.

Senator **NUTTING** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

COMMUNICATIONS

The Following Communication: S.C. 625

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

April 6, 2006

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1933 An Act To Maintain Standards for Consumers of Mechanical Services

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 626

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

April 6, 2006

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 bill out "Ought Not to Pass":

L.D. 1848 An Act To Maintain Prescription Drug Benefits for Senior Citizens and People with Disabilities

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

Sincerely,

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

S/Rep. Hannah Pingree
House Chair

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

The Following Communication: S.C. 627

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

April 6, 2006

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 bill out "Ought Not to Pass":

L.D. 1962 An Act To Ensure Foster Parents Have Access to the Appeal and Fair Hearing Process

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station"

H.P. 1369 L.D. 1955

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-980)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980)**.

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

READ ONCE.

Committee Amendment "A" (H-980) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Midcoast Regional Redevelopment Authority" (EMERGENCY)
H.P. 1371 L.D. 1957

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-981)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981)**.

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

READ ONCE.

Committee Amendment "A" (H-981) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Relating to Payday Loans"
H.P. 1469 L.D. 2076

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-982)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-982)**.

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

READ ONCE.

Committee Amendment "A" (H-982) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Prevent Unauthorized Practice of Immigration and Nationality Law"
H.P. 1398 L.D. 1996

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-977)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-977)**.

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

READ ONCE.

Committee Amendment "A" (H-977) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Allow a Second Opportunity To Elect Coverage under the State Group Health Plan"

H.P. 1484 L.D. 2092

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-986).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986).**

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

READ ONCE.

Committee Amendment "A" (H-986) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen and Improve Review Procedures in the Certificate of Need Program"

H.P. 1254 L.D. 1814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-934).**

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
CAMPBELL of Newfield
GLYNN of South Portland

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

Signed:

Representatives:

SHIELDS of Auburn
LEWIN of Eliot

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-934).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-934) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Invest in the Future of Maine Citizens"

S.P. 751 L.D. 1954

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-586).**

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

READ ONCE.

Committee Amendment "A" (S-586) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Clarify the Sales Tax Exemption for Air Ambulance Services"

S.P. 816 L.D. 2085

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-589).**

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

READ ONCE.

Committee Amendment "A" (S-589) **READ.**

On motion by Senator **PERRY** of Penobscot, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-589).

Senator PERRY for the Committee on **TAXATION** on Resolve, To Reduce State Valuation as a Result of the Closure of Georgia-Pacific Facilities (EMERGENCY)

S.P. 838 L.D. 2096

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-590).**

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

READ ONCE.

Committee Amendment "A" (S-590) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Early Childhood Special Education" (EMERGENCY)

S.P. 689 L.D. 1772

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-585).**

Signed:

Senators:
MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

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

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

Signed:

Representatives:
STEDMAN of Hartland
MERRILL of Appleton

Reports **READ.**

Senator **MITCHELL** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#417)

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

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

ABSENT: Senator: SAVAGE

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-585) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Strengthen Maine's Craft Brewers"

S.P. 792 L.D. 2048

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-588).**

Signed:

Senators:
PERRY of Penobscot
STRIMLING of Cumberland
COURTNEY of York

Representatives:

CLARK of Millinocket
McCORMICK of West Gardiner
PINEAU of Jay
SEAVEY of Kennebunkport
WATSON of Bath

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

Signed:

Representatives:

HANLEY of Paris
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento
HUTTON of Bowdoinham

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-588) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House As Amended

Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)
H.P. 1481 L.D. 2090
(C "A" H-983)

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

Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing"

H.P. 1392 L.D. 1987
(C "A" H-965)

READ A SECOND TIME.

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-965).

On further motion by same Senator, Senate Amendment "A" (S-587) to Committee Amendment "A" (H-965) **READ**.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. This is a minor amendment to the bill. It was agreed to in committee. We had wanted to clarify that a pharmacy must give the consumer price information in person or on the telephone. The words on the telephone were left out in the drafting of the original amendment and are now added into it, which was the intent all along of the unanimous committee report.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **MAYO** of Sagadahoc to **ADOPT** Senate Amendment "A" (S-587) to Committee Amendment "A" (H-965).

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/10/06) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities" H.P. 1235 L.D. 1727

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-923)** (4 members)

Tabled - April 10, 2006, by Senator **GAGNON** of Kennebec

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

(In House, April 7, 2006, 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-923)**.)

(In Senate, April 10, 2006, Reports **READ**.)

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

Senator **MITCHELL:** Thank you, Madame President and distinguished colleagues in the Senate. I reluctantly rise in opposition to my good floor leader. It is a case of a disagreement on a fundamental principle of disclosure. The amendment, which replaces the bill, simply expands reporting requirements. Let me start by saying I do not see lobbyists as a bad word. I think this

place functions very well because we have lobbyists on both sides bringing us information. I do believe that their activities should be very transparent. Current law requires that if you have contact with legislators over 8 hours in a calendar month you have to sign up and report that you've done that. You have to register with the Ethics Commission. The names are available. The amendment that the minority of the committee embraced would include that same contact to people in the administration but exclusively when it's for the purpose of influencing legislation, not just casual contact, no rule-making but for influencing legislation. I encourage you to take a look at the committee amendment. It is has a filing number of H-923. It lays out very simply would ask to report contacts with state agency officials or with the Governor for the purpose of influencing legislation only. It's simply a reporting requirement. It adds transparency and I would encourage you to vote against the Ought Not to Pass report because I think it is important that we add this measure of accountability to public life.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. This doesn't happen very often. We usually come to agreements in the committee and I'm sorry that we do have this disagreement. While there is a need for transparency, or a perceived need for transparency, what I didn't like about this was that we are going at this in a piecemeal approach when there is actually a select committee that has been put together in order to look at lobbying in a comprehensive way. There is a lot of debate in this committee on who would be covered, with fine lines being drawn between an official of the Governor, a member of the staff of the Governor's Office, a commissioner, a commissioner's designee, and would lead you to believe that the loophole would be the things that we'd be looking for here. The majority of the committee found that we'd be more comfortable looking at this in a very comprehensive manner instead of trying to react to a situation of the day in the papers. I would ask you to join the majority of the committee and defeat this bill. We'll be back with some recommendations, I'm sure, from the people who have worked on this process and are ready and eager to get it when we finally do adjourn. I appreciate that we have a disagreement. It is certainly never personal in our committee and I thank you for your attention.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I am on the majority side of this bill. It didn't come down, to me, as some great love for lobbyists. For me it ended up being an issue for our Ethics Commission and what they may be saddled with and burdened with. In the past the standard has been always those who are professional lobbyists are who are trying to influence those who actually have a vote. We have a vote. Members of the other Body have a vote. The Governor, ultimately, has a vote with his pen, whether he vetoes or signs a bill. All of those people are covered. That's all covered. If you spend more than 8 hours a month in this building then you have to be a registered lobbyist, pay your \$200. We know who you are and you have to report.

This bill will go one step beyond that. It will now require those who try to influence the influencers of the legislature. In other words, those who come before us from the administration or other offices who try to influence us either to pass or reject certain pieces of legislation. To me that was somewhat of a slippery slope, I guess, and opening up a whole new area which blurs the lines as to who the influencers really are. The fact that I am concerned about is what we will end up doing and how we will end up funding this. The first year of this, if I read the amendment correctly, is going to be funded by the additional fees that people will have to pay. Clearly there will be a lot more people who will have to be registered, so they are covering the additional costs in the Ethics Commission but that funding goes away in the second and third year. Clearly, there will be a funding issue in future years with the Ethics Commission and I think that we want to make sure the Ethics Commission understands what the roles are. The people who are influencing those people who can actually push these buttons or push that signature pen is where we want the attention to lay. I am encouraging you to support the majority report. Thank you.

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 Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Lobbying, obviously, is a very highly respected profession. I spent 8 years doing that in these very halls and have a high regard for lobbyists and the job they do, especially in the state of Maine. Having done it for 8 years and also having been a head of a department, I can tell you that I truly and sincerely believe that commissioners and department heads should be included in those who are contacted and lobbied. If the Governor is included, certainly his or her commissioners need to be. The fact of the matter is that if the department head is lobbied than that should be reported because the influence of the contact is significant. We must remember that. Again, this is not a reflection on lobbyists in Maine or the lobby profession. It's simply a matter of fact. When those types of folks are contacted they have an unusual amount of influence. I think it's fair, appropriate, and reasonable that this be recorded. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#418)

YEAS: Senators: ANDREWS, CLUKEY, COURTNEY, COWGER, DAVIS, DOW, GAGNON, HASTINGS, HOBBS, HOBBS, MAYO, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, DAMON, DIAMOND, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SAVAGE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator GAGNON of Kennebec ACCEPT the Majority OUGHT NOT TO PASS Report, in NON-CONCURRENCE, 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 (4/10/06) Assigned matter:

HOUSE REPORTS - from the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists" H.P. 1262 L.D. 1822

Majority - Ought Not to Pass (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-822) (4 members)

Tabled - April 10, 2006, by Senator GAGNON of Kennebec

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

(In House, April 7, 2006, 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-822).)

(In Senate, April 10, 2006, Reports READ.)

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

On further motion by same Senator, the Minority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-822) READ.

On motion by Senator MITCHELL of Kennebec, Senate Amendment "A" (S-592) to Committee Amendment "A" (H-822) READ.

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

Senator MITCHELL: Thank you, Madame President and colleagues in the Senate. This amendment strikes all reference to reporting by agencies or representatives of the Executive Branch. It stays with current law. Only those people who currently report, but it creates a registry similar to that of the State of Wisconsin. That stays. Any reference to administration reporting is removed from the bill. That is the purpose of this amendment. I encourage its adoption.

On further motion by same Senator, Senate Amendment "A" (S-592) to Committee Amendment "A" (H-822) ADOPTED.

Committee Amendment "A" (H-822) as Amended by Senate Amendment "A" (S-592) thereto, ADOPTED, in NON-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 Increase Consumer Awareness of Prescription Drug Pricing" H.P. 1392 L.D. 1987

Tabled - April 11, 2006, by Senator WESTON of Waldo

Pending - motion by Senator MAYO of Sagadahoc to ADOPT Senate Amendment "A" (S-587) to Committee Amendment "A" (H-965)

(In House, April 10, 2006, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965).)

(In Senate, April 11, 2006, READ A SECOND TIME. On motion by Senator MAYO of Sagadahoc, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-965). On further motion by same Senator, Senate Amendment "A" (S-587) to Committee Amendment "A" (H-965) READ.)

On motion by Senator MAYO of Sagadahoc, Senate Amendment "A" (S-587) to Committee Amendment "A" (H-965) ADOPTED.

Committee Amendment "A" (H-965) as Amended by Senate Amendment "A" (S-587) thereto, ADOPTED, in NON-CONCURRENCE.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY SENATE AMENDMENT "A" (S-587) 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.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, April 12, 2006, at 10:00 in the morning.