

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature

State of Maine

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

In Senate Chamber
Thursday
April 13, 2006

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

Prayer by Reverend Dr. Alice Z. Anderman, First Congregational Church, UCC of Waterville.

REVEREND ANDERMAN: Let us pray. Creator God, as we gather together today we give thanks for the opportunities You give us to serve the people of Maine. Help us to always be aware of how our lives are linked with others; that we might continually be aware of the needs and aspirations of our fellow citizens. Open our hearts, oh God, as we remember those who suffer want and anxiety. Guide the people of this state to use our public and private wealth; that all people may have jobs, shelter, and food. Help us to be open to the many opportunities we have to help others. We remember also this day persons who need Your presence on a special day. We remember the leadership of our state and nation. May they accept the demands that leadership places upon them and may they sow seeds for the good of all. We are thankful for the new beginnings and new chances that You constantly provide for us, oh God. God of freedom and grace, fill us with hope and confidence and give us courage to do the work that has been entrusted to us. Amen.

Doctor of the day, Peter Bernhard, MD of Bangor.

Reading of the Journal of Wednesday, April 12, 2006.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 1453 L.D. 2057

In House, April 6, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-947).**

In Senate, April 11, 2006, Committee Amendment "A" (H-947) as amended by Senate Amendment "A" (S-564) **FAILED ADOPTION** and Bill **PASSED TO BE ENGROSSED, in NON-CONCURRENCE.**

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

On motion by Senator **WOODCOCK** of Franklin, the Senate **RECEDED** and **CONCURRED.**

ORDERS

Joint Resolution

On motion by Senator **ROTUNDO** of Androscoggin (Cosponsored by Representative **DUPLESSIE** of Westbrook and Senators: **BRENNAN** of Cumberland, **DAVIS** of Piscataquis, President **EDMONDS** of Cumberland, **GAGNON** of Kennebec, Representatives: **CUMMINGS** of Portland, Speaker **RICHARDSON** of Brunswick, **TARDY** of Newport), the following Joint Resolution:

S.P. 851

**JOINT RESOLUTION ENDORSING TAIWAN'S
PARTICIPATION IN THE WORLD HEALTH ORGANIZATION**

WHEREAS, good health is essential to every citizen of the world, and access to health information and services of the highest standard is necessary to improve public health; and
WHEREAS, the World Health Organization set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all persons; and

WHEREAS, the achievements of Taiwan, the Republic of China, in the field of health are substantial, including having the highest life expectancy levels in Asia; having maternal and infant mortality rates comparable to those of western countries; eradicating infectious diseases such as cholera, smallpox and the plague; and being the first country in Asia to eradicate polio and provide children with Hepatitis B vaccinations; and

WHEREAS, Taiwan's population of 23,500,000 is larger than that of 3/4 of the member states already in the World Health Organization; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international health activities supported by the World Health Organization; and

WHEREAS, with the great potential of the cross-border spread of diseases, such as the human immunodeficiency virus (HIV), tuberculosis, malaria, severe acute respiratory syndrome (SARS) and the recent outbreak of avian flu, it is crucial for all countries, including Taiwan, to have direct and unobstructed access to information and assistance from the World Health Organization in order to limit successfully the spread of various infectious diseases; and

WHEREAS, the European Parliament called on the World Health Assembly in Geneva, Switzerland to accept observer status for Taiwan and called on its member states to support the application of Taiwan as an observer to the World Health Organization; and

WHEREAS, in 2002, the United States House of Representatives and the United States Senate authorized the Secretary of State to endorse observer status for Taiwan at the World Health Assembly and the United States House of Representatives repeated its endorsement in 2005; 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 commend Taiwan's efforts to improve world health and support its efforts to gain observer status at the World Health Organization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President George W. Bush; to Secretary of Health and Human Services Michael O. Leavitt; to Dr. Lee Jong-wook, Director-General of the World Health Organization in Geneva, Switzerland; to Kuo-tung Lang, Director-General of the Taipei Economic and Cultural Office in Boston; and to the Members of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish a Food Policy for Maine" H.P. 1497 L.D. 2107

Reported that the same **Ought to Pass**, pursuant to Public Law 2005, chapter 382, Part C, section 6.

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.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf To Lease Classroom Space to Independent Schools" (EMERGENCY)

H.P. 1386 L.D. 1979

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-996).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-996).**

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

READ ONCE.

Committee Amendment "A" (H-996) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Law Governing DNA Testing"

H.P. 1348 L.D. 1907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-994).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-994).**

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

READ ONCE.

Committee Amendment "A" (H-994) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **TAXATION** on Bill "An Act To Clarify Municipal Valuations of Resort Property"

H.P. 1297 L.D. 1857

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-993).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-993).**

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

READ ONCE.

Committee Amendment "A" (H-993) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

Eleven members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

H.P. 1415 L.D. 2015

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-991).**

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
- FLOOD of Winthrop
- EDGECOMB of Caribou

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-992).**

Signed:

Representative:

- TWOMEY of Biddeford

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representative:

- SHERMAN of Hodgdon

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)** **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991) AS AMENDED BY HOUSE AMENDMENT "A" (H-1000)** thereto.

Reports **READ.**

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"(H-991)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"(H-991)**, in concurrence.

Senate

Ought to Pass As Amended

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Preserve Maine's Working Waterfront"
S.P. 759 L.D. 1972

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-602).**

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

READ ONCE.

Committee Amendment "A" (S-602) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Anson Water District"
S.P. 842 L.D. 2100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-601).**

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

READ ONCE.

Committee Amendment "A" (S-601) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Off Record Remarks

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force"

S.P. 743 L.D. 1944

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-597).**

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York

Representatives:

CROSBY of Topsham
BEAUDETTE of Biddeford
BERUBE of Lisbon
FARRINGTON of Gorham
SMITH of Monmouth
RECTOR of Thomaston
ROBINSON of Raymond
AUSTIN of Gray
O'BRIEN of Lewiston
JACOBSEN of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-598).**

Signed:

Senator:

DOW of Lincoln

Reports **READ.**

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Lobster Traps
S.P. 656 L.D. 1739
(C "A" S-552)

Comes From the House, **FAILED FINAL PASSAGE.**

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

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.** (Roll Call Ordered)

Acts

An Act Relating to Secondary School Construction Projects
S.P. 844 L.D. 2104

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

An Act To Clarify the Laws Governing Agricultural Composting Operations

S.P. 381 L.D. 1064
(C "B" S-563)

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

Resolves

Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan
S.P. 760 L.D. 1973
(C "A" S-569)

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

Resolve, To Ensure Appropriate Reimbursement of Rising Heating Costs for Long-term Care Facilities
H.P. 1402 L.D. 2000
(C "A" H-963)

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

Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers

S.P. 735 L.D. 1934
(C "A" S-568)

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

On motion by Senator **MAYO** of Sagadahoc, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence. (Roll Call Ordered)

Senate at Ease.

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:

SENATE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force"
S.P. 743 L.D. 1944

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-597)** (12 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-598)** (1 member)

Tabled - April 13, 2006, by Senator **HOBBINS** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 13, 2006, Reports **READ**.)

Senator **HOBBINS** of York moved the Senate **ACCEPT** Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597)** Report.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the pending motion and to express my gratitude to the members of the BRED Committee. This bill was brought forth as the result of the task force appointed by the Governor last year to examine ways to strengthen the Washington County economy. The task force endorsed several measures before this legislature. The first bill that they endorsed was the boat school bill. The second bill was this bill, which will provide funding for several vital institutions in Washington County. This would insure the survival of the Downeast Heritage Museum, which is crucial, economically, to the future of Washington County. It will provide vital funding for the Sunrise County Economic Council to complete their endowment fund and to provide one-time operational funds. It will insure the continuation of the Incubator Without Walls program, which is a very successful small business program administered by the

Washington/Hancock Community Agency. It would establish two Pine Tree Zone pilot projects, one at the former Cutler Base for the tourism related industry and one that would allow our important seasonal industries to participate in Pine Tree Zone designations. This is a very crucial bill for the future of Washington County. I'm grateful to the BRED Committee for their very strong support. I would have to note special gratitude to the Senator from Lincoln, Senator Dow, for his efforts to be even more generous. I do appreciate that. I'm very pleased with the outcome and look forward to its passage. Thank you.

On motion by Senator **HOBBINS** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-597) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator **BRENNAN** of Cumberland, the following Joint Order:

S.P. 854

ORDERED, the House concurring, that when the Senate adjourns on Thursday, April 13, 2006, and the House adjourns on Friday, April 14, 2006, they do so until Wednesday, April 26, 2006, at 10 o'clock in the morning.

READ and PASSED.

Sent down forthwith concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **HOBBS** for the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Concerning Eminent Domain"
S.P. 417 L.D. 1203

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-609).**

Report **READ and ACCEPTED.**

READ ONCE.

Committee Amendment "B" (S-609) **READ and ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act To Establish a Food Policy for Maine"
H.P. 1497 L.D. 2107

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

House As Amended

Bill "An Act To Clarify Municipal Valuations of Resort Property"
H.P. 1297 L.D. 1857
(C "A" H-993)

Bill "An Act To Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf To Lease Classroom Space to Independent Schools"
(EMERGENCY)

H.P. 1386 L.D. 1979
(C "A" H-996)

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

Bill "An Act To Amend the Law Governing DNA Testing"
H.P. 1348 L.D. 1907
(C "A" H-994)

READ A SECOND TIME.

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

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. (Roll Call Ordered)

Senate As Amended

Bill "An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force"
S.P. 743 L.D. 1944
(C "A" S-597)

Bill "An Act To Preserve Maine's Working Waterfront"
S.P. 759 L.D. 1972
(C "A" S-602)

Bill "An Act To Amend the Charter of the Anson Water District"
S.P. 842 L.D. 2100
(C "A" S-601)

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.

Senate at Ease.

Senate called to order by the President.

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Lobster Traps
S.P. 656 L.D. 1739
(C "A" S-552)

Tabled - April 13, 2006, by Senator **BRENNAN** of Cumberland

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, April 12, 2006, **FAILED FINAL PASSAGE.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#426)

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

NAYS: Senators: BRENNAN, GAGNON, STRIMLING

This being an Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

Resolve

Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers

S.P. 735 L.D. 1934
(C "A" S-568)

Tabled - April 13, 2006, by Senator **MAYO** of Sagadahoc

Pending - **FINAL PASSAGE**, in concurrence (Roll Call Ordered)

(In Senate, April 10, 2006, **PASSED TO BE ENGROSSED AS AMENDED.**)

(In House, April 12, 2006, **FINALLY PASSED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#427)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, 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, 29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Bill "An Act To Amend the Law Governing DNA Testing"
H.P. 1348 L.D. 1907
(C "A" H-994)

Tabled - April 13, 2006, by Senator **BRENNAN** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence (Roll Call Ordered)

(In House, April 12, 2006, **PASSED TO BE ENGROSSED AS AMENDED**.)

(In Senate, April 13, 2006, **READ A SECOND TIME**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#428)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, NASS, PLOWMAN, SAVAGE, WESTON, WOODCOCK

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/11/06) Assigned matter:

Bill "An Act To Prevent State Taxpayers from Subsidizing Large Employers"

S.P. 727 L.D. 1927

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-580)**

(In Senate, April 11, 2006, Committee Amendment "A" (S-580) **READ**.)

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-604) to Committee Amendment "A" (S-580) **READ**.

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

Senator **MAYO:** Thank you, Madame President. This is a very brief amendment. It corrects the appropriations and allocations section to reflect additional funding of \$65,000 needed for the

Department of Labor in the fiscal year 2006 - 2007. It inadvertently was not listed when the bill originally came forward.

On further motion by same Senator, Senate Amendment "A" (S-604) to Committee Amendment "A" (S-580) **READ** and **ADOPTED**.

Committee Amendment "A" (S-580) as Amended by Senate Amendment "A" (S-604) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-580) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/11/06) Assigned matter:

Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services

S.P. 769 L.D. 1991

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-581)**

(In Senate, April 11, 2006, Committee Amendment "A" (S-581) **READ**.)

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-600) to Committee Amendment "A" (S-581) **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 amends Committee Amendment A, as I indicated. The amendment is intended to provide for an increase in the reimbursement rate for providers of consumer directed personal assistance services through the maximization of federal Medicaid funds. The Federal Deficit Reduction Act of 2005 established a situation where we believe that we may apply for funding through the federal government to increase the rate of pay for these particular people, who have not had an increase in many years, from the current \$9 an hour, which was done by this legislature recently, to a rate of \$10 an hour. It would not take effect until at least January 2007. There is no General Fund fiscal note involved with this. If the federal funds do not come forward it will not take place. It is all based upon funds that might come to us through the Deficit Reduction Act of 2005. I would hope that this Body would act on this particular amendment, which comes

to us today with a unanimous report from the Health and Human Services Committee. Thank you very much.

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-600) to Committee Amendment "A" (S-581).

Senate at Ease.

Senate called to order by the President.

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

Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services

S.P. 769 L.D. 1991

Tabled - April 13, 2006, by Senator **WESTON** of Waldo

Pending - motion by Senator **MAYO** of Sagadahoc to **ADOPT SENATE AMENDMENT "A" (S-600) TO COMMITTEE AMENDMENT "A" (S-581)**

(In Senate, April 13, 2006, Committee Amendment "A" (S-581) **ADOPTED**. On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-600) to Committee Amendment "A" (S-581) **READ**.)

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-600) to Committee Amendment "A" (S-581) **ADOPTED**.

Committee Amendment "A" (S-581) as Amended by Senate Amendment "A": (S-600) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-581) AS AMENDED BY SENATE AMENDMENT "A" (S-600)** thereto.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Act

An Act To Make Adjustments to the Allagash Wilderness Waterway

S.P. 811 L.D. 2077
(C "A" S-559)

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I'm from Portland. I've also never been to the Allagash and I don't even serve on the Joint Standing Committee on Agriculture and Conservation. Some would ask why would I stand in opposition to this bill and this issue that is before us? Never having been to the Allagash, never having sat on the committee, and never understanding the substantive issues related to this particular bill. One thing that I think that we all need to understand is that each one of us represents a county or a part of Maine that has a unique feature of natural resources. Each of us feels very strongly about protecting that natural resource and enhancing that natural resource. We all should feel that way. At the same time, we recognize that this natural resource is not owned by the residents of our county or by that particular geographical region, but it is a resource for the whole state. I'm not here today to debate the intricacies or the details of this particular bill. There are several other people that are far more qualified to do that than I am in terms of the specifics of this bill; what is in this bill and what isn't in this bill. What does deeply concern about this bill is the fact that it puts into statute agreements that have been made on a voluntary basis and negotiated in a collaborative manner with the interested parties, not only those that reside close or by the Allagash but the interested parties throughout the state of Maine. Some people would say that's good, that putting something in statute is good because it's clear and it protects that natural resource. I think in this instance to do that ignores the contentious political history that has been associated with agreements and trying to develop a management plan of this very precious natural resource that we have in the state. I'm sure some will follow me and explain why it is necessary to put this in statute, but I haven't been convinced. I believe that the River Drivers Agreement that was negotiated in good faith by all the interested parties in 2003 has suffice and should continue to suffice. If we go down this path of enshrining in statute different parts of either that agreement or other elements that people feel are important about the Allagash those of you who are re-elected will be back here negotiating, fighting over, and arguing about this issue next year, the following year, and for decades to come. There is the opportunity, by voting against this bill, to continue to work collaboratively and cooperatively to manage that precious natural resource and to avoid the political battles that we've had in the past or the decision is to move forward with this legislation and then continue to have the Allagash be a contentious and argumentative process for several years. I would submit to you that if each one of us looked in our districts and had a precious natural resource, something that we thought was unique to us, that somehow we wanted to protect in statute to the exclusion of the consideration of the rest of Maine that this would be considered to be highly problematic. That's what I think we are doing here. I urge you to vote against the pending motion. Thank you.

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

Senator **NUTTING**: Thank you, Madame President, ladies and gentlemen of the Senate. I hope that you will support the item before us and support the 12 - 1 committee report. At the beginning of our 10-hour public hearing, the chair of our committee from the other Body stated to the committee that sometimes, as a legislator, you have to be part detective and part parent. I think this issue qualifies us, as legislators, for being mostly a parent and a little bit of detective. It was obvious to a majority of the committee, unfortunately, that the Department of Conservation stakeholder process had broken down. The department came to us. In fact, at the public hearing it said they would like some clarity on this issue. In the end, in the 12 - 1 report, we specify the six vehicle access points, the five trail access points, and the six bridges over the 92-mile stretch of the Allagash River. The key thing for the committee, in my humble opinion, was that we had Jamie Fosburgh from the National Park Service come before the committee. He was there almost two hours answering questions. For three years now I've heard some people in Maine say, 'You can't change that. You can't change anything with the Allagash because the U.S. Park Service doesn't want you to. We're doing a terrible job and the U.S. Park Service thinks so.' Low and behold, when Mr. Fosburgh came before us he said, very clearly, that he thought Maine was doing an excellent job managing the Allagash. He pointed out that the survey of the users of the Allagash had a 97% success rate. They were pleased with how the Allagash was being managed.

It has been stated earlier that a statute like the one concerning the Allagash could be changed very easily. I would disagree. This bill has had a 10-hour public hearing, 7-hours of work sessions, and will have, I believe, a minimum of 6-hours of floor debate. I believe that is a very thorough process. I think this is the right thing to do to finally end the bickering and the disagreements over two issues that I'm going to let another Senator speak to this evening. I urge you to support this report. We didn't take this bill lightly. We spent hours and hours of time on it and what we are doing is supported by the U.S. Park Service. Thank you.

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

Senator **RAYE**: Thank you, Madame President, men and women of the Senate. I rise in support of the pending motion. As my good colleague from the Agriculture, Conservation, and Forestry Committee, the Senator from Androscoggin, Senator Nutting, just noted, this bill was the subject of a day long public hearing and three work sessions. It incorporates the input and passed muster with Mr. Fosburgh of the National Park Service. We wanted to be certain that what we were doing would be in accordance with the federal government and it is. It incorporates the input of a number of people who personally participated in the River Drivers Agreement, and perhaps most importantly, it incorporates the concerns that we heard from the many people who took the time to travel here from the Allagash and who are most directly affected; those who live along the Allagash, whose heritage is linked inextricably with that river, and whose livelihoods are dependent on the historic uses of the lands abutting the waterway. This bill will codify those traditional uses, crosses, and access points and lay to rest concerns that the rules will change at some point. I'd also point out that it protects the river for the

future. It lays to rest the worry that there will be additional development.

It was brought to our attention during the public hearing and during the work sessions that the proposed changes in the management plan that precipitated this legislation proposed to rewrite history. That was deeply troubling to those of us on the committee because at the time of the waterways' designation it was recognized that the traditional uses in that part of Maine had long predated that designation and they were enshrined in all of the documentation. Now there is an effort to remove that documentation and to rewrite history. We are making sure today that we strike a delicate balance. It will insure the preservation of the traditional uses and the unspoiled character of this magnificent river while affording the protections that are so important to the area's economic future. I just would echo the Senator from Androscoggin, Senator Nutting, in reminding this Body that this is a 12 - 1 bipartisan report. That reflects the careful balance that we were able to strike. I urge you to join us in supporting the pending motion.

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

Senator **MARTIN**: Thank you, Madame President and members of the Senate. Let me start at the beginning because I was here in 1965 when the legislature created the study committee. I was a member of that study committee and the then-Senator Elmer Violet was the Senate Chair of that committee which conducted hearings throughout the state and resulted in the legislation that created the waterway. That following year, in 1966, upon acceptance of the report, the legislature put out \$1.5 million bond issue that went to the voters of Maine. It was accepted by about 65% to 70% of the voters. That legislation, which was enacted in that statute, basically laid out the roads that would be necessary for taking wood in and out of the area because the Allagash simply crosses over and the only access we had to wood that is Maine wood was by building a bridge. Otherwise the only access would be available to the Canadian market. In a compromise with the landowners and the paper companies, we worked out an agreement that said, in a sense, that certain bridges would exist and other bridges may be built as necessary in the future for economic purposes. In addition we said that we knew that we would make a decision, and we did, to remove most of the camps along the waterway, which hurt a lot of people. They had those private camps and we, as a state, went in and burned them. It was a very emotional issue for the people, especially in northern Maine. That continued over time and things have pretty much settled down. The controversy began about eight years ago when the state decided to stop fiddleheading for the local residents of Allagash. From then the controversy continued.

I agree that there was a controversy and there is a controversy. The only way, in my opinion, to put this to rest is to put it into statute so the people of the Allagash, and the people of Maine, will know what they are. That has been written into law. Two minor changes have been made so that people of the Allagash have access to the Umasaskis and the upper end of the waterway so they can put their canoes in to use the river for fishing. This had been denied previously in that agreement. Except for those two items what you have codified into law is exactly what took place at that Millinocket event. Let me point out to the people of northern Maine that we are not the stakeholders.

Most of them were not there. As a matter of fact, the representative from that area wasn't even invited to attend.

Let me tell you why I think it's important that we codify it. Five years ago the attendance, the number of people going down the Allagash, was better than 21,000. This past year we have gone down below 5,000 people who have used the waterway. I ask why? In talking with people whom I've met, who have come to my operation, and I would say to them, 'How come you're here, why not the Allagash?' They would say, 'Oh, that's been destroyed.' The controversy that's been in the newspapers for the last three or four years has just left a horrible impression on people who look at going to the Allagash. I am firmly convinced that our action here today, if we enact this piece of legislation, will put this into place forever, put to bed that controversy, and we can then move on. To me the Allagash is extremely important not just for my area, not only for the people of Allagash, but to all the people of Maine. As I told some of my legislator friends who have never been down, I'd be more than happy to take them down Chase Rips. I promise that I will bring their stuff down below and promise to pick up the pieces as they get to the bottom of the Rips. I think they need to experience what that river is to truly understand the Allagash River.

I have passed out to you the draft prepared by the Office of Policy and Legal Analysis because I thought it was important that you would have that draft which clearly identifies Committee Amendment A, which the committee did, and then the corresponding River Drivers Agreement on the right hand side. I understand fully where the Senator from Cumberland, Senator Brennan, is coming from. I understand why some people would prefer that it not be there. This opportunity for the management plan to eventually come back to the legislature to be ratified and looked at, in my opinion, is the best thing for the waterway because I think we can finally put to bed that controversy that has been eight years in the making. Today I plead with you to vote for enactment.

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

Senator **NUTTING:** Thank you, Madame President. Very briefly. On the handout that the Senator from Aroostook, Senator Martin, just mentioned, if you get to number four, Permanent Watercourse Crossings, this was a topic of much discussion in the committee with Mr. Fosburgh from the National Park Service. You will see Henderson Brook Bridge. That has been a temporary bridge over the waterway for 38 years. The Forest Parks Industry has wondered for 38 years if that bridge was going to be there next year. They wondered if they could haul \$6 million worth of wood over that bridge the next year. When the waterway was created, as Mr. Fosburgh and the Senator from Aroostook, Senator Martin, pointed out, it had seven bridges over it. There used to be a bridge at Schedule Brook and there used to be a bridge at Bissonette. You will see at the bottom of number four part of this bill says that there will never be a bridge built at Schedule Brook or Bissonette, they washed out about 34 years ago. In conclusion, Mr. Fosburgh agreed with the committee that when this bill is enacted there would be one fewer bridge crossing the Allagash than there was in 1966. He's pleased with that. He realizes it brings clarity to the situation. I also wanted to mention that this is the only other change that hadn't been mentioned. It has been thoroughly vetted with the National Park Service and we

now have one fewer bridge crossing the Allagash than we did in 1966 when it was created. Thank you.

The Chair ordered a Division. 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.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

H.P. 1415 L.D. 2015

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-991)** (11 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (H-992)** (1 member)

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

Tabled - April 13, 2006, by Senator **NUTTING** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)**, in concurrence

(In House, April 12, 2006, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)** READ and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991) AS AMENDED BY HOUSE AMENDMENT "A" (H-1000)** thereto.)

(In Senate, April 13, 2006, Reports **READ**.)

On motion by Senator **NUTTING** of Androscoggin, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)**, **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-991) **READ**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-612) to Committee Amendment "A" (H-991) **READ.**

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I won't go back to the history of the townships, but they do go back to the Northwest Ordinance of 1787 where school blocks were laid out. In this instance what has happened is that two of the blocks that are being taken by the state are in two plantations, Glenwood and LaGrange. I wanted to make sure that the money for the school administrative purposes remained in that trust account. This will provide for this continuation. This is the first time that we have taken public lots in organized towns or plantations. I wanted to make sure that we set up a criterion so that we don't destroy the ministerial trust that is basically something this state has been a part of for generations. That is all that the amendment does. There is no cost to this and it continues into perpetuity the ministerial trust account for these two plantations.

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

Senator **DAVIS:** Thank you very much, Madame President and ladies and gentlemen of the Maine Senate. First off I want to say I appreciate all the hard work that was done on this bill. I know that many, many hours were spent and I also know of the pressures that were brought to bear during this whole process. For that I want to thank the three Senate members; Senator Nutting of Androscoggin, Senator Raye of Washington, and Senator Bryant of Oxford. Thank you. I don't agree with their findings but I want to thank them just the same.

I represent the entire Millinocket area as a result of the reapportionment two years ago and I want to tell you how this has all come to me. Last fall David Soucy, who works for the Department, called me and asked to meet with me. We met in my office. He had a presentation to give me about Katahdin Lake. Let me describe Katahdin Lake to you. I don't know how many of you have ever been there, but I've been there numerous times. It is incredibly beautiful. If you want to see just a little tiny bit of it you come into my office and look on the screen on my computer. I took the picture. It is beautiful. There is no question about it. Being beautiful is only part of it. It is very, very difficult to get to. It's very remote unless, of course, you have a floatplane. I'll make mention of that a little later on in my discussion. You drive to Baxter Park and you go in at Avalanche Field. You leave your car and walk 3 ½ miles across a very narrow trail, most of it is a corduroy trail, a lot of it is. When I first started going in there I had the opportunity to walk through a beautiful old grove. Absolutely beautiful trees. Stately. However, I must tell you that a lot of them are gone now. They have been cut. A lot of it has been cut. Mr. Soucy told me about this and told me about the whole thing. Some of it I liked, but at the end of our conversation he said, 'Senator, there is one thing I haven't told you that I need to tell you about.' I said, 'What's that?' He said, 'The people that are putting up the money to do this don't want traditional use to be allowed.' I said, 'What do you mean by that?' He said, 'No hunting, no trapping, no snowmobiling, no ATVing.' Well I told him that day that this was going to be a

problem for me. I told him that I thought it was too bad and probably that would be a big stumbling block for a lot of people. While I know there is support for this bill, I know that what I told him was true, Madame President. It has been and was a stumbling block. Katahdin Lake and the entire area up there, 6,000 acres, have always been open to hunting, fishing, and trapping. Always. Teddy Roosevelt hunted there. There is a diary to prove that he hunted. The camps in there are very rustic. As I said, it is very remote and you've got to want to go there if you go there. You've got to really want to, I think, as it is right now. I looked at him and I wondered in my mind why would they not want to allow traditional use here? What on earth is all the fuss? There won't be five hunters a year in there, I thought to myself, but it was to be that way.

Time went by and the bill was presented. I bumped into people. I talked to one of the executives from L.L. Bean who is putting up quite a bit of the money for this. He told me to my face that they would not have put it up had they known there was going to be a fuss in Millinocket over this. That's what he told me to my face. Tuesday morning of this week we had a leadership breakfast with the Governor. I must tell you that I was the only one there. Nobody else came. We had a nice chat. He was generous though. He sent the bacon that was on his plate over to Dave Bowles, I brought it over to him. Our Governor told me that there were problems with some of the donors now. Some of them don't like the idea of allowing hunting in the top part of the portion.

As I said when I started, I appreciate the committee's work and I do. I know some of the pressures that some of them have come under; editorial comments, e-mails, and all sorts of things. They have come up with a compromise. I'll tell you the compromise is better than the bill. In my way of thinking, folks, that's a little bit like saying I'm not quite as sick as I was yesterday. I'm still sick, but I'm not quite as sick. I don't think the compromise is what should be going forward. The compromise calls for a bunch of public lots that are owned by the people of this state to be sold. I had handed out a little chart a while ago. I know I'm not supposed to use props, Madame President, and I'm not. They have already been handed out. If you look at it, if you have still got it, let me show you where the lands are that are going to be sold to a group that has already bought 14,000 acres, give or take 300 or 400 acres. That will be 21,000 acres total. The public lots total 7,000. They are going to be traded for the 6,000. The 6,000 are valued at \$13 million. If you do the math that means the 6,000 acres is worth about \$2,100 an acre and the 21,000 is worth about \$750 an acre. The lots will be turned over to private interests. Don't get me wrong, the people they will turn them over to are wonderful people, the Gardiners from Lincoln. They will cut the land to be sure, but they will also allow traditional use as these lands are open now to traditional use. One of the fears I have though is that when the ownership passes, and surely it will, will the traditional use still be there for the people who now have the use of this land?

I also had the opportunity to talk and meet with State employees who take care of these public lots, administer them, and look after them. If anyone has told you that they are in favor of this, they aren't telling you the way it is.

It troubles me that the Gardiners wanted to be able to cut the wood. It troubles me that a deal couldn't have been made to cut that wood so that the lands could have been kept, as far as the public lots go, for traditional use to be there without selling them off. I don't think this is a good deal for my district. If it was your district you would feel the same way and perhaps you would be

up here talking probably more eloquently than I am. Local families are not going to be allowed to snowmobile on Katahdin Lake. I have a picture in my office of me and a picture of Representative Clark from Millinocket sitting on snow machines on Katahdin Lake. That will not be allowed any more. Hunters won't be able to hunt there. Never fear, there is a provision in the law and in this bill that will allow floatplanes to land on the lake. Much has been said about Governor Baxter's vision and how we got to appreciate his vision. If you read and study about Governor Baxter you will find his opinion of floatplanes wasn't all that high.

I guess, Madame President, it kind of boils down to this. A fellow told me, 'Sell the land that the people have always been able to use to buy land that they have always been able to use to turn the land over to a Governmental agency or entity and tell them they can't use it anymore. Using their treasure to get this land and now they can't use it the way they always have.' I cannot tell you the feelings of the Millinocket, Medway, East Millinocket, or Patten area; the hard feelings towards the park and the administration of it. I can tell you that there is a very adverse relationship. I fear that if this deal goes through the way it is that in a few years only a few people will be able to use the lake, probably the elite that have floatplanes will be the ones that will be going in there. I think that a better deal can be done and I believe that if this bill did not receive what it needs to receive tonight, and it was put on the table here in the Senate until next week, that there would be a better deal coming forth. I believe that. I believe as this proposed deal stands right now, though it may be popular and it may pass, it could be wrong. Thank you very much, Madame President.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **ANDREWS:** Thank you, Madame President. Well, either I'm suffering from Alzheimer's or I'm very tired, but would you tell me what ministerial trust means in this agreement. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. I'd be more than happy to respond. The ministerial trust accounts were created before Maine became a state. If you just look at Maine you will find that the state is laid out in blocks. Those were, in effect, the townships six miles by six miles, 36 square miles. Under the terms of the law 1/36th of every township in Maine was to be set aside for school and ministerial purposes. From that came the ministerial trust accounts. Those still exist in most of the northern Maine towns and plantations. The income can be used to lower the school costs, but it cannot be used in any other portion of the community for any other purpose. In those two instances we're making sure that this continues in both of these plantations.

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

Senator **SCHNEIDER:** Thank you, Madame President, and good colleagues. I'm addressing you and echo much of the same concern as the good Senator from Piscataquis, Senator Davis, has shared. I received many concerns from citizens in my district about this project. It's likely that many in the chamber have not heard the varied concerns because the swap of public lands is only taking place in some of our districts. I've noticed that the Senator from Piscataquis, Senator Davis, did distribute the list of lands involved in this very notable project. I believe around six districts are impacted by this project. I was contacted early on by hunters, conservationists, and those in the forest profession about this project. Oddly, they all shared with me that very same concern. That is that if approved, this project will be giving up too much in public lands. Since that time I have kept their interests in mind and I've been a strong advocate for them.

I am able to support this project enthusiastically for several reasons. Perhaps it is because I'm the kind of person that sees the glass half full instead of half empty. First, though my husband and I do not go, nor have ever been, to the Katahdin Lake area because we like to go for walks with our dog and we don't go to Baxter because they don't allow that, I'm still keenly aware of the importance of making sure this parcel of land remains available to the public forever. I have found that, in my area, there are close to 1,000 acres being swapped as part of this bill. These acres, I have been told, are very rich in forested land and rich in hunting. I'm very pleased to let people know that I found out that there is a proposal to conserve nearly 26,000 acres of forestland. This land, the lower Penobscot Forest Project, will be open for all traditional recreational uses, including hunting, fishing, and trapping. This, no doubt, is a separate project from this legislation, however, it should give comfort to many of my constituents that traditional uses are being protected. I will watch and give my support to make sure that these and two other projects in my area come to fruition. I also want to let people know that in my district people are very concerned with jobs and securing their jobs. The Gardiners, too, are concerned with that. That is why they have been so persistent in their desire to get good-forested area. This will protect jobs in the future. This is a project that has taken into account many different interests. It's a time that we may not get in the future. Certainly, if we don't move forward with this project, there is the possibility that this area would be closed to public use forever because it's very possible that this project could be sold to an individual as a kingdom lot. They could choose to close it off for any of us to access. Though we may have to take lots that are being swapped, rich forest lots, and make an investment for the future by buying new acres of land and developing those into rich forested areas and good hunting ground, I think it is well worth that investment in our future. This is an opportunity that this legislature has to grasp. These times don't come around too often. I would encourage you to support the legislation. Thank you very much.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. There really shouldn't be any question

that it is probably obvious to everybody that I am much sicker than I was yesterday, but I will try to make it through the day.

I think this bill represents two very special things; a once in a lifetime opportunity and the first willing seller this state has had of this property in about 80 years. Those two things together with about 80 hours of work sessions on this bill have resulted in, yes, another 12 - 1 bi-partisan Ought to Pass report that is before us. I know it's a little different this evening. We're kind of debating the amendment presented by the Senator from Aroostook, Senator Martin, and the whole bill altogether, but that's fine. I think as long as we understand that, it will be fine. The Agriculture, Conservation, and Forestry Committee made many changes to this proposal and we took our time with it. Initially the committee voted for a four-way vote; 6 - 3 and 3 - 1, we voted the bill out of committee. Then we had another bill, the Allagash, come before us. We set this bill aside, worked the Allagash, and came back to it. I think I want to hit a few of the highlights as far as some of the changes the committee made. The 6,000 plus acres in the original proposal that was all going to be sanctuary we decided to split. The land around Katahdin Lake, as Governor Baxter's original vision, would become part of Baxter State Park and be a sanctuary. I was quite struck by the IFW numbers that the dark green in the map that was distributed to everybody here three or four days ago in a handout. The year before last there was only one deer taken in that parcel and last year there were two. The red parcel to the north, which is proposed to go to the Department of Conservation in this bill and where traditional uses will be allowed, was much better for hunting, especially moose and bear. That's old growth forest. That's wonderful bear and moose habitat and more hunting opportunities happen there.

We changed the original proposal and split the parcels. The land to the east of both of the north and south parcels owned by the Gardiners is part of this bill. The state has a two-year option to purchase that land. If that can happen, and I'm optimistic that it can, it joins it with some existing Bureau of Parks and Lands land that access the Millinocket area. The committee was very concerned with some landowners in that area buying tracks of land and totally shutting out all types of access to that, especially for snowmobilers and for hunters. There was much discussion and early e-mails from some groups that the original 6,000 acres was all part of Governor Baxter's original vision. The old maps that were presented to the committee, to me, cleared up that it was just the southern parcel around Katahdin Lake that was part of his original vision.

Yes, I want to agree with the good Senator from Aroostook, Senator Martin, that this is such a complicated bill. The part about the two plantations and the money going to the ministerial school fund, we missed that in the committee. I'm glad he has pointed that out and I'm going to be supporting his amendment. I would urge you to do the same.

I think we are giving up a lot of value in our public lots, but they are the scattered public lots that are the smallest in size and we are gaining a piece of property for the park that, in my mind, is close to priceless and that could have been sold someday to a developer and be closed off to everyone and have condominiums around it. One of the more controversial public lots that was initially proposed to be traded to the Gardiners for this land around Katahdin Lake and the 2,000 acres north of Katahdin Lake was the Wyman lot next to Bigelow. That was very controversial. Initially the Friends of Bigelow didn't want any of that lot to be part of the deal. When we brought them before a work session and probed further, it was really about 140 acres of

the Wyman lot that encompassed the Appalachian Trail and old-growth forest that was their main concern. Again, the Gardiners compromised. We took the 143 acres out and that is going to be managed by the Department of Conservation's Bureau of Public Lands in conjunction with the Friends of Bigelow so that when you are hiking along the Appalachian Trail that old-growth forest will still be there.

I think I'm going to stop there for now. I'm sure there may be other questions. It is a very, very complicated bill. I want to share that we really took our time with it, hours and hours and hours looking at various options. One last thing about the bill I'm going to mention, which I think is a very important part of the bill, is that we are charging the Department of Conservation to undertake a study of snowmobiling opportunities in the area and to work with the park service in the future to explore expanding snowmobiling opportunities in and around the park. Again, thank you very much.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Madame President, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. I'm having a little trouble following this because we are bouncing from the amendment into the bill on the debate.

THE PRESIDENT: The Chair is aware that we are on the amendment but I felt it necessary to let folks speak to the bill.

Senator **COURTNEY:** I certainly understand, but going back to the amendment, the good Senator from Aroostook, Senator Martin, had mentioned that there was no cost. As I've had time to look through the fiscal note, it said that the costs are significant. I wonder if someone could reconcile that for me? I would appreciate it.

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

Senator **MARTIN:** Thank you, Madame President. I probably should have addressed that during the discussion, but the cost is entirely within the ministerial school fund. There is no cost to the state involved here. Under present law, when stumpage is taken off a public lot it goes to the fund. Now we are eliminating any stumpage because the public lot is being sold. Now there will be income from the tree growth for those now privately owned lands. It is the tree growth money that will then go into the ministerial account.

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

Senator **WOODCOCK:** Thank you very much, Madame President. I do certainly appreciate the leeway being afforded this body. I would state, publicly, in order to lend some credibility

to my discussion, I am in support of the amendment. Is that where we are, Madame President?

Ladies and gentlemen of the Senate, I would begin by saying I have the utmost respect and admiration for the good work of our Senate Chair, the Senator from Androscoggin, Senator Nutting, on this particular difficult issue and also for our Senate lead, the good Senator from Washington, Senator Raye, and the many hours that committee spent deliberating and discussing the Katahdin Lake Project. I also have particular praise for members of the Gardiner family who have been, at the least, patient during this process.

Every so often an issue comes before this body that has a reverberation to it. This Katahdin Lake issue, in my opinion, has done exactly that. It has reverberated. Every so often an issue comes before this body that reaches down and touches the very being of some of us who have to vote on that issue. Today I certainly expect that a few of us will vote in favor of this bill even after expressing some doubts about the swapping of land and the value of that land. I would point out that the Wyman Township piece of over 1,000 acres certainly is a major part of this land swap. That land in Wyman Township does, as the good Senator from Androscoggin, Senator Nutting, mentioned, border the Bigelow Preserve in my district. I expect there will be those of who will vote in favor of this bill even after having expressed concerns about the land, its value, its cost to the state, and the swap. I know a few of us will vote in favor of this bill knowing that Governor Baxter's original wish is being in part fulfilled. I would point out to all of you that we received a letter. We've been talking about ghost bridges in Allagash. There is no doubt in my mind that this is a ghost letter signed by the deceased Governor of Maine, Percival Baxter. I would like to go on record as saying I think that is in poor taste. I'm sure a few of us will vote today in favor of this bill because, after all, you must.

As a child of 10 years old, my grandfather took me to an area of Maine called Bemis. It is the Big Woods. He took me there to hunt. I stand before you today to tell you that I am one of the members of the Evil Empire. I am a hunter. I have guns. I'm sympathetic towards those in this body and others in the other body who have not had the same upbringing and perhaps do not have the same appreciation for what it means to stroll with your grandfather in the Big Woods of Maine when you are a child of 10 and have your grandfather take you to a small opening and point out the remnants of the virgin forest, an old stump, and tell you, 'Please stay next to this stump, I'll be back in an hour.' It was on a day when it was snowing and cold. I was wearing my grandmother's pack boots that she used to hunt. My feet were frozen. The felt hat wasn't warm enough for my ears. My grandfather had the audacity to tell me he'd be back in an hour. Little did I know that my grandfather had walked off to a balsam fir grouping about 50 yards away and he watched me for an hours' time. I paced around the stump, knowing that I wasn't going far because, after all, it was my grandfather. My feet were frozen and my ears were cold. In an hours' time he returned and he said, 'Chan, this isn't about hunting, this is about trust. Today you've earned my trust.'

So for those of us who hunt this is not a good deal because a portion of this state which we have used for a century or more is now not going to be available to us. My grandfather expressed to me at a later date, 'Someday for you it will be different.' Low and behold, again today I'm on the stump and I'm sure my grandfather is watching. I owe a large part of who I am to my grandfather. I'm an outdoor person. A hiker. I know this will stun a great

number of people, but I even participated in the Audubon Christmas bird count one year. A hunter. We didn't kill the ducks, we counted them. My family has gone camping throughout Maine. I fish. Deep down in the recesses of my person there is a great love for the outdoors of Maine. My very being has been touched by this bill, for this magnificent place, Katahdin, is Maine. I was pleased to hear this morning the good Senator from Cumberland, Senator Brennan, say in regards to the Allagash that this is a resource for all of us in the state. I would say to the good Senator from Cumberland and others the Katahdin area is a resource for all of us, all of us in the state. Today my vote in opposition is certainly not for political expediency, it's for a lifelong conviction. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the underlying bill. The legislation before us has received an extraordinary amount of scrutiny, examination, and deliberation, as well it should, because, as the debate thus far today has demonstrated very clearly, this is an important piece of legislation. It fulfills the vision of the late great Governor Percival Baxter for his beloved park and it has important implications for the people of the Katahdin region and for Maine's historic commitment to the concept of traditional use. As the bill was originally presented, I could not support it. The Agriculture, Conservation, and Forestry Committee, on which I serve with the good Senators from Androscoggin, Senator Nutting, and Oxford, Senator Bryant, began consideration of this bill, as with the last bill we debated, with a day-long public hearing at the Augusta Civic Center. From there on we moved to a series of work sessions that can only be termed extraordinary. I'm told they totaled more than 80 hours in length. During those long hours we weighed the issues involved very carefully and very thoroughly. We researched Governor Baxter's statements and the history of his own actions during his lifetime. We listened to the Trust for Public Lands, who has been engaged in the fundraising effort at the heart of this proposal. We listened to the concerns and the perspectives of those who are committed to honoring Governor Baxter's vision, including all three members of the Baxter State Park Authority; Attorney General Rowe, Director Giffen, and Commissioner Martin. We heard the concerns of Maine sportsmen, those who hunt, trap, and snowmobile. Perhaps most importantly, we heard from those who live in the Katahdin region. From my perspective, it is their concerns that are of paramount importance because they live there. It is their home. For me it was important that their voices be heard. On that score, I want to compliment the Senator from Piscataquis, Senator Davis, because throughout this long arduous process he has been a steadfast advocate for the people he represents. He was there to make sure that their concerns were front and center in our deliberations.

After we deliberated we had a couple of false starts, that the Senator from Androscoggin, Senator Nutting, has mentioned, with straw votes and votes that were taken before we had a chance to reach consensus. Fortunately, in the final analysis, we were able to have the time to sort through the many aspects of this bill and reach a consensus that won the support of eleven of the thirteen members of the committee. The remaining two members split, one thought the bill didn't go far enough and the other one

thought the bill went too far. That pretty much sums up that we had reached a reasonable conclusion. Of course it is not everything that anybody wanted. It certainly is not everything that I wanted and for which I advocated throughout the process, but I do believe that it strikes a very reasonable and thoughtful compromise that preserves Katahdin Lake and insures that public access and traditional uses on the parcel to the north and crucial valley lands to the east will be preserved so that sanctuary status cannot encroach on those lands in the future. It addresses the concerns about the Wyman lot adjacent to the Bigelow Preserve. It provides for continued forest certification and wildlife management practices on the public lots to be swapped. It provides for a hiking trail to Katahdin Lake and directs the Department of Conservation to undertake outreach and develop a plan to expand snowmobiling opportunities in the Katahdin region. That is something that the good Senator from Piscataquis, Senator Davis, argued very strongly for. The wintertime economy of that area that he represents is strongly dependent on its status as a center for snowmobiling. I'm very pleased that we were able to include this directive to the Department.

In summary, I believe the committee has produced a bill that respects local concerns and Maine's traditions that were spoken of so eloquently by the Senator from Franklin, Senator Woodcock, and has as its prize the preservation of Katahdin Lake for all generations to come, completing the vision of Governor Baxter at long last. I also want to note that for those of us who do have concerns, as the Senator from Piscataquis, Senator Davis, and the Senator from Franklin, Senator Woodcock, have so eloquently stated, about traditional use, that absent this bill any of those lands, the Katahdin Lake parcel itself or the lands to the east, could easily be purchased by private interests who could put gates up and close off public access and traditional uses tomorrow. That would be a travesty. I hope that you will join with me in support of the very strong majority committee report. Thank you.

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

Senator **NUTTING:** Thank you, Madame President. I'll be very, very brief. Ladies and gentlemen of the Senate, the Department of Conservation Bureau of Public Lands now owns, in various state parks and public lots, about 600,000 acres of land. I want to remind people that traditional uses are allowed on almost 98% of that land. The valley lands to the east that we have a two-year option on to connect the northern parcel with a currently owned parcel right north of Millinocket is, to me, going to be insuring traditional uses will be maintained in that area. As far as the hiking trail, there is currently a hiking trail from the park itself going east to Katahdin Lake. Another part of this bill gets the agreement from all parties that a hiking trail will be constructed from the valley lands going west to Katahdin Lake as well. That was one of the requests from the good Senator from Piscataquis, Senator Davis, which we were able to accomplish. I'm very glad that he brought that forward to us. All types of fishing will be allowed in Katahdin Lake. I forgot to mention that before. There are two other very important issues that we finished and got agreements from the Gardiners to do at the last work session. One is to maintain some type of forest certification on the public lots that they will come to own. The second thing is, at the insistence of the good Senator from Oxford, Senator Bryant, to maintain all IFW management agreements to protect deer habitat

on those public lots. That was another good thing that we got in one of the last work sessions. There is also a 25-year lease for the current owner of the camps located right at the southern part of Katahdin Lake. That is another piece of the bill that I neglected to mention earlier. To me, this assures that those camps are going to be there for many years in the future. Thank you.

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

Senator **DAVIS:** Thank you, Madame President. It's not my intention to prolong the agony or the ecstasy or however you might look at this, but there are a couple of things I would like to comment to. I appreciate the remarks from my friend from Androscoggin and my friend from Washington. I thank them very much. I would say though that when the rights of the people are being tampered with hearings should be extraordinary and time and patience and careful scrutiny should be done. While I appreciate what they have done, they did what was required of them also.

I did want to make a couple of comments. It was mentioned that in one area up there that only one or two deer were killed there last year. As I said in my previous comments, it's remote and not many people there. If you took the same map that was handed out and the good Senator from Androscoggin, Senator Nutting, made reference to in his first remarks and you looked at it you would find all across the state and in the northern part of Maine that there are many townships where they didn't kill any deer in. Nobody goes there to hunt. It is true that there is a 25-year lease on the camps that will be offered to the current owner, but much of the income from those camps was derived from hunting. Where the camps are located there will be no hunting. The most troubling thing that I have found in this whole thing is not so much that the option on these lands to the east of Katahdin Lake have been secured to allow traditional use on all of that land. I appreciate that. My problem with that is that it is still land-locked. Access to this land has to go across the Haynes land, which is owned by the Haynes Corporation, and could be sold tomorrow. If it is sold, that could be locked up. There would only be one way left to access to the Gardiner land and that would be through the park. Currently snowmobiling is allowed in parts of the park but grooming is not. That creates a dangerous situation because when a trail isn't groomed people try to go too fast. In fact there was a snowmobile death up there a few years ago that some attribute to the rough trail. As I said, I don't want to prolong this any more, Madame President. I thank you all for your indulgence.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-612) to Committee Amendment "A" (H-991) **ADOPTED.**

Committee Amendment "A" (H-991) as Amended by Senate Amendment "A" (S-612) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991) AS AMENDED BY SENATE AMENDMENT "A" (S-612) thereto, ADOPTED, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Pursuant to Public Law

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Hospital and Health Care Provider Cooperation Act"

S.P. 852 L.D. 2110

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Public Law 2005, chapter 394, section 8.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

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:

ENACTORS

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

Acts

An Act To Support the Efficient Implementation of Maine's Learning Results

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

An Act Making Improvements to the Laws Regarding Local Land Use Ordinances

H.P. 1080 L.D. 1535
(C "A" H-832)

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

REPORTS OF COMMITTEES

House

Divided Report

Seven members of the Committee on **LABOR** on Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

H.P. 706 L.D. 1021

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1007)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

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

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-1008)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

SMITH of Van Buren

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-1007) **READ.**

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "B" (H-1007), in concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

H.P. 706 L.D. 1021

Tabled - April 13, 2006, by Senator **DAVIS** of Piscataquis

Pending - **ADOPTION OF COMMITTEE AMENDMENT "B" (H-1007)**, in concurrence

(In House, April 13, 2006, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007).**)

(In Senate, April 13, 2006, Reports **READ**. On motion by Senator **STRIMLING** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "B" (H-1007) **READ.**)

On motion by Senator **SNOWE-MELLO** of Androscoggin, Senate Amendment "A" (S-607) to Committee Amendment "B" (H-1007) **READ.**

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

Senator **SNOWE-MELLO:** Thank you, Madame President. We are all concerned about the hardworking fire and law enforcement folks who work every day and put their lives on the line for each and every one of us. I know full well that my amendment that I have presented to you will not make every law enforcement

personnel and fire fighter happy. We do have to be very concerned about more unfunded liability.

First let me go into what this amendment does. This amendment strikes Part A of the bill as amended by Committee Amendment B and it replaces it with the new Part A. It creates the retired county municipal law enforcement officers' and municipal firefighters' health insurance program, a self-funding program that provides for health insurance coverage when a retiree is eligible for retirement benefits under certain conditions and participated in the county or municipal health plan while employed. The amendment also provides for a premium subsidy beginning January 1, 2012, not to exceed 45% of the cost of the insurance premiums or dollar equivalence for each eligible retiree. The premium subsidy is funded from employee contributions. Health insurance coverage under the program is not effective until January 1, 2012. That is why I'm saying it's not going to make everyone happy. At least it will get a plan that we can afford.

It also, effective January 1, 2007, each county and municipal law enforcement officer and each municipal fire fighter must contribute 2% of gross wages to a fund to pay for the cost of the program. An enrollee must make contributions to the fund for 60 months in order to be eligible for coverage under the program. I'm sure that you can read the rest of the amendment.

This, ladies and gentlemen of the Senate, is a way that we can do this without increasing an unfunded liability for a state that is in \$1 billion in debt. We've a \$3 billion debt to the retirement system. We have a \$1.2 million debt with the state employee health insurance program. We are \$300 million in debt to hospitals. We're \$190 million in debt to the governmental facilities authorities. We are \$5 million in debt to general obligation bonds, with \$110 million in payments this year alone.

Folks, are we able to do what the majority reports wants to do? I ask you to really think long and hard on this. I ask you to vote for this amendment because it's genuine. Hopefully it can create a fund that can actually provide health insurance for our good law enforcement people. Thank you.

Senator **STRIMLING** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-607) to Committee Amendment "B" (H-1007).

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. Despite the difficult issues we've been dealing with the past few days, this is the most difficult I guess because I have participated in the fire service as a volunteer for 30 years. I am one of your representatives on the Fire Protection Services Commission where the legislature, when they established that commission, set up that one of the jobs for them was to deal with this issue. It's with great reluctance that I am in opposition to the bill and in favor of this amendment. The reason is that there are some greater problems that this state has. One of them was just described to you, our unfunded liability. Two days ago we passed out a sheet from Barron's magazine showing you what's going to happen to unfunded liabilities. Two weeks ago we had a debate in this chamber about the budget. We lamented the fact that we couldn't do more for higher education or a number of things. That's what an unfunded liability is going to do. It's going eat at the core of our ability to do what we need to do for the people of this state in the future. We need to pay attention to this great

problem, a greater problem, I would suggest, than the one brought to us by the firefighters. This will eat us alive, from the inside out. I guess as part of this debate, at least I'm asking myself how did we ever get in this situation? The bigger parts that were just delineated, the pension unfunded liability and the unfunded liability for retired state employees, were gotten there by doing exactly what we're proposing to do tonight. Giving out benefits that we aren't collecting enough money for, that's what this is all about. If you decide not to vote for this amendment, which is a self-funding plan, it is going to take a while to build up some money through contributions from the members, the people who will benefit. If you decide not to vote for this and this bill passes we will be adding substantially to the unfunded liability. At least for me, I want to be held accountable when I go home. I expect to be. It's difficult sometimes to explain these problems. I expect to be held accountable. What am I going to tell the folks at home about our financial situation when our bond rate continues to go down, as it did last year from all three bond rating houses; then it costs us more to borrow; when we are being eaten alive from the inside out by this; when we are looking ahead to the future and have no ability to pay for the things that we need to pay for because this thing has grown to be more than the 900 pound gorilla it already is? What are we going to tell them? That we took care of the firefighters. That we took care of state employees. That we took care of state employee retirees through pensions and health reforms. That isn't going to be enough of an explanation, I don't feel, for my children and grandchildren. That we didn't take care of this now. We won't take care of this by providing additional benefits without collecting enough money to do it. Madame President, I would urge that you vote in opposition to the Indefinite Postponement and let's go on to adopt a plan that works, and that takes time to build up the reserves that we need to pay for these benefits. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I think we will tell our children and our grandchildren that we did take care of the firefighters and the police in this state because they needed to be taken care of. I hope that we will also tell them that we took care of others. Today we are talking about our firefighters and our police officers. I just want to tell a little story about why this amendment must be Indefinitely Postponed. When we were dealing with this bill in committee at one point there was a conversation about trying to come up with a compromise. I sat down with the other side of the aisle and we talked and we talked and came up with an idea that we could put something together that could protect current firefighters but leave retirees, people who had already retired, out of the process because it would be cheaper. In my shortsighted simple mind I thought that maybe that wouldn't be such a bad idea. You know what they said? They said our credo is you leave no one behind. You leave no one behind. This amendment, Madame President, leaves people behind. In honor of all of the people sitting in this room, I will vote to Indefinitely Postpone because if they are not willing to leave anyone behind than I'm not willing to leave anyone behind.

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 Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. This is another one of the darker days I've seen in this chamber. We have, for the last three or four decades, been making irrational promises that we have not paid for. We've been doing it over and over again. Now we're about to make a promise that will cost this state, on its balance sheet, between \$85 million and \$101 million, according to the controller of this state. If you have the courage to go and leave no one behind, let's not leave our children and grandchildren behind. Let's appropriate \$100 million tonight to meet the burden of this obligation and this promise. Otherwise, we're a bunch of chickens. This is what's happened time, after time, after time in this chamber and in the other for the last several decades.

My mother is a schoolteacher. She's 89 years old and retired now. In her first year of teaching in 1939 she made \$900 teaching in the town of Warren, fresh out of Colby College. Somewhere in the 1950s, 1960s, and 1970s, this legislature began making promises to her about health insurance. We still do not have set aside, as a legislature or as a state, even one nickel to pay for the deferred compensation benefits that we conferred on her for services that she provided 66 years ago for the benefit of children, most of who are now dead. We keep making these retroactive promises and it's driving this state into a tailspin towards bankruptcy. Make no mistake about it; we owe \$3 billion to the pension system that we have not put away. We owe, at last estimation, \$1.2 billion for health benefits for retired teachers and retired state employees with not one nickel set aside.

When we came in to service three years ago, those of us who were here remembered that we had about \$88 million set aside in a little fund that we had created in the King administration to begin chipping away at the unfunded liability for health insurance for retirees. It was the responsible thing to do and it complied with current accounting practices that would go into effect at the end of this year that will require these debts to be on the books. A year or so ago this administration withdrew that \$88 million, spent it all on current services, and dissolved the fund and the process by which the fund was created and maintained. The reason we have the number one or number two tax burden in the United States is largely because we are carrying more debt than almost any other state in the union of comparable size. It's not the general obligation bonds that we owe, which total about half a billion. I agree with anyone who says that our general obligation bond burden is relatively modest, even when you throw in the Government Facilities Authority. All of that comes up to \$600 million to \$700 million. Not a big deal. What I'm concerned about is the debt that we owe for retiree health benefits and for our pension system. That combined debt is nine times bigger than the amount that we owe for general obligation bonds. It's enormous. We have got to start acting responsibly or we're going to be driving this state into a tailspin, the likes of which you have never seen. It's a serious burden.

The neat thing about this amendment that lies before you is that the state steps forward and facilitates an answer to the problem and says here is a way of addressing the health insurance needs of these folks who work for municipal government, who are not employed by the state and many of them never have been. It provides a way of creating a bridge healthcare plan for these folks in due course and in due time. If

you adopt the committee amendment, as it sits before us now with out this amendment, we will be automatically vesting, in another year or two, everyone who has been in the system, even those 55, 60, and 62 years old, for whom we've never set aside a nickel. The debt obligation that is created when we make that promise has been estimated to be between \$85 million and \$101 million. That amount of money will go right onto the books of this state as a corporate debt and will have a dramatic effect, I think, on our bond rating and it will represent, in true terms, an obligation that we did not have the courage to face up to. We're just going to cast it off onto the people who haven't yet been elected. I think it's shameful. I think this is the biggest bill that lies before us this session and I think that the consequences of this bill are very poorly understood. I think that we, here in this chamber, are all on the board of directors of this common enterprise called the State of Maine and that we have a solemn obligation to see through the emotions and do something responsible and not behave as our fore bearers have and make rash promises that we can't, will not, or do not have the courage to pay for. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. I appreciate the comments but what we did not hear anything about is the people that we are trying to protect. Of course what we heard nothing about is the families, the working families, across the state of Maine who often live shorter lives than the rest of us because they put their lives in harm's way every day on behalf of all of us. Of course we didn't hear about that. What we are talking about here is trying to protect the people who protect us. We are trying to say that we will step up and give them something. You want to know what? It's not just us giving them because they have stepped up and are only group in the state who has stepped up and actually paid towards their premium, which I think is a good relationship. They are stepping up and saying they will help with this. They put their lives on the line for us and they are willing to put some of their own money on the line. If you vote for this you are asking them to pay for five years for a benefit that they will not receive. It would be five years before they would see any return. Of course we need to step up today and have the courage, the courage that our federal government had when they put Social Security in place. They didn't put Social Security in place and then all of a sudden decide that we would have to pay in for five years before we could get any benefit. It went into place. They protected people and they got them the coverage that they needed. That's the courage we need. The courage we had when we created Medicare to provide healthcare for the elderly. Not five years down the road, the courage right then and there to say that we were going to pay for this. Yes, we were going to put this on our books. Yes, we were going to find a way. These are people who deserve to have us step and have the courage to say we will figure out how to get this done because they are the reason that all of us can sleep safely at night and wake up safely in the morning and know that, hopefully, our house will not be burned to the ground or somebody will not have broke into our home and taken the life of somebody in our family. That's the courage that I ask us to take today. Please vote down this amendment, Madame President.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I just want to comment on the good Senator from Cumberland, Senator Strimling's remarks. The point today is that we're not paying for this. The bill provides for no benefits and only a small payment to start in the current biennium. The benefit and the costly part would not start until the beginning of the next biennium. That's how we get around. The worst thing we do in this legislature, I believe, is to start programs, pass out benefits, and not pay for them. Usually when we're in this mode we at least start the program and pay for it for a couple of months. This time this is so bald-faced that we're not paying for it at all this time. We're not providing the benefits and therefore we are not paying for it until July 1, 2007, which is the first day of the next biennium.

Just two other things. I'd like to comment on the bridge insurance nature of this. It's a good concept. It's a concept that I think will work under the proposed amendment, as it would under the bill, which I hope we can get out from under. The bridge, unfortunately, in this case, and it's confusing when you read the bill, is not about a bridge from age 50 or 55 to when Medicare kicks in at 65. This is a bridge from most retirement policies for the folks involved here that starts at about 25 years after they started work. If you start in this profession at 18 years of age, you're done by the time you are 43. If this bridge insurance provides benefits until you are 65, that's over 20 years. This is like the Chesapeake Bay Bridge. This is a long bridge. Half of your working life, potentially. For those of you who are still in the private sector, does anybody else have this kind of benefit? Not unless you pay for it. Now, today, we are asking that the taxpayers of the state of Maine pay for it.

One other thing, Madame President. We have recently received a structural gap report from the folks downstairs. It indicates that going into the biennium we have a gap that is potentially as high as \$125 million. This will be added directly to that. As we go in and start working up a budget for the next biennium that is the hurdle that we will have to overcome for the General Fund.

As you leave here and have hopes for a better next time for those of us who can get enough votes to return, you have to ask yourself if you have high hopes for higher education, for some kind of a better healthcare plan, or whatever it is in your area of interest. Somehow we are going to have to get over that \$525 million and rising structural gap in order to do that. I'm concerned about, as we've heard before, the empty promise of this. As you look at those needs coming up, I don't think this one is going to make it near the top or be near enough near the top to get paid for. So, Madame President, I would suggest that this has a high potential of being an empty promise. It seems a shame to me to believe for sure that we're going to be able to meet this requirement. Wouldn't it be better to find a way to pay for this or institute a plan that lets money build up and then provides the benefit? Thank you, Madame President.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I would just rise as your other representative on the fire commission. It's not so long ago that I

remember that there was a little line in the budget for BETR. It continued on and on and it's up to about probably \$80 million or \$90 million now. We found a way to do it. I think that I'd use that as an example. I don't see any reason why we can't continue to work the same way and protect and insure the firefighters and police in the state of Maine.

Senator **SCHNEIDER** of Penobscot moved to **TABLE** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-607) to Committee Amendment "B" (H-1007).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#429)

YEAS: Senators: ANDREWS, BARTLETT, COURTNEY, COWGER, HASTINGS, HOBBS, MARTIN, MILLS, NASS, RAYE, ROTUNDO, SCHNEIDER, SULLIVAN

NAYS: Senators: BRENNAN, BROMLEY, BRYANT, CLUKEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, MAYO, MITCHELL, NUTTING, PERRY, PLOWMAN, ROSEN, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **TABLE** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-607) to Committee Amendment "B" (H-1007), **FAILED**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#430)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-607) to Committee Amendment "B" (H-1007), **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "B" (H-1007), in concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

On motion by Senator **GAGNON** of Kennebec, **RECESSED** until 9:00 in the evening.

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:

Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

H.P. 706 L.D. 1021

Tabled - April 13, 2006, by Senator **BRENNAN** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "B" (H-1007)**, in concurrence

(In House, April 13, 2006, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007).**)

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

(In Senate, April 13, 2006, Reports **READ**. On motion by Senator **STRIMLING** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "B" (H-1007) **READ**. On motion by Senator **SNOWE-MELLO** of Androscoggin, Senate Amendment "A" (S-607) to Committee Amendment "B" (H-1007) **READ**. On motion by Senator **STRIMLING** of Cumberland, **INDEFINITELY POSTPONED.**)

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#431)

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

The Majority of the Committee on **TAXATION** on Bill "An Act To Strengthen the Collection of the Tax on Tobacco Products" H.P. 1485 L.D. 2093

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1009).**

Signed:

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

Senators: PERRY of Penobscot STRIMLING of Cumberland

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, Committee Amendment "B" (H-1007) **ADOPTED**, in concurrence.

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

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

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

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

Signed:

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#432)

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

Senator: COURTNEY of York

Representative: BIERMAN of Sorrento

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-1009) AND HOUSE AMENDMENT "B" (H-1022)**.

Reports **READ**.

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

Committee Amendment "A" (H-1009) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-1022) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1009) AND HOUSE AMENDMENT "B" (H-1022)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a High-risk Health Insurance Pool"

H.P. 1365 L.D. 1945

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

Signed:

Senators:

SULLIVAN of York
MAYO of Sagadahoc

Representatives:

PERRY of Calais
BRAUTIGAM of Falmouth
PILON of Saco
MARRACHÉ of Waterville
HARLOW of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-950)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

McKANE of Newcastle
LINDELL of Frankfort
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren

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-950)**.
Reports **READ**.

Senator **SULLIVAN** of York posed a parliamentary inquiry as to whether this Bill was **PROPERLY BEFORE THE BODY**.

THE CHAIR MADE THE FOLLOWING RULING:

The Chair has considered the question of the Senator from York, Senator Sullivan, as to the propriety of L.D. 1945 under Rule 217 of the Joint Rules of the 122nd Legislature.

L.D. 1945 attempts to enact the 'Comprehensive Health Insurance Risk Pool Association Act.' The bill also requires the Bureau of Insurance to apply for federal funds available for the creation of high-risk pools, institutes a study of a reinsurance pool for the small group market, and amends existing statute to enable the creation of the high-risk pool.

Joint Rule 217, 'Measures Rejected at a Prior Session,' states that: A bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers.

The First Session of the 122nd Legislature saw the introduction and final rejection of three bills, L.D.s 394, 1168, and 1496, which proposed the enactment of the same high-risk pool model legislation included in L.D. 1945. Each of the remaining provisions in L.D. 1945 are present in at least one of the earlier bills. In particular, the language and content of L.D. 394 is virtually identical to that of L.D. 1945, aside from a few de minimus changes in wording.

The Chair finds that L.D. 1945 violates Joint Rule 217 and is thus not properly before the body.

The Legislative Record indicates that new legislation which addresses the same issues as a previously-rejected bill violates Joint Rule 217; it is not necessary that the bill be identical to the previous bill or have the same title. In the 120th and 121st Legislatures, Joint Orders came before the House of Representatives directing committees of jurisdiction to report out legislation dealing with, respectively, the employment status of school bus drivers and the extension of term limits. House Record February 14, 2002 and House Record March 18, 2005. In both instances, the Joint Orders were challenged as potential violations of Joint Rule 217, based on the fact that there had been bills dealing with those issues in the previous session. In both instances, the Speaker ruled the Joint Orders properly before the body, based solely on the fact that the previous legislation had been bills, not Joint Orders. If the legislation had taken the same form, two bills or two Joint Orders, the second pieces of

legislation would have been ruled not properly before the body. In the words of the Speaker: 'The legislation taken up in the first session...was a bill. This is a Joint Order. If the previous way that the legislation came before us was through a Joint Order, then the Chair would rule as the Representative suggests, that the bill is out of order, but that wasn't the way it went.' House Record March 18, 2004.

L.D. 1945 is virtually identical to L.D. 394 and is substantially similar to two other bills that have been finally rejected by this Legislature. The Legislature has had ample opportunity to consider this proposal, and supporters of the bill have had ample opportunity to advocate for it and to propose amendments.

The Chair finds that L.D. 1945 violates Joint Rule 217 and is not properly before the body absent approval by 2/3 of both chambers.

THE CHAIR RULED THE BILL AND ACCOMPANYING PAPERS NOT PROPERLY BEFORE THE BODY.

Senator **MILLS** of Somerset moved to **APPEAL** the Ruling of the Chair.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#433)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the Ruling of the Chair was **SUSTAINED**.

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

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Facilitate the Hiring of Healthcare Personnel During Emergency Circumstances"

S.P. 783 L.D. 2036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-615)**.

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

READ ONCE.

Committee Amendment "A" (S-615) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

ENACTORS

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

Pursuant to Constitution

Public Land

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
H.P. 1415 L.D. 2015
(H "A" H-1000; S "A" S-612 to C "A" H-991)

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 (#434)

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

NAYS: Senators: CLUKEY, DAVIS, WOODCOCK

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 32 Senators having voted in the affirmative and 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Wednesday, April 26, 2006, at 10:00 in the morning.