

MAINE STATE LEGISLATURE

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Senate Legislative Record
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
Wednesday
April 26, 2006

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

Prayer by Senator Arthur F. Mayo, III of Sagadahoc County.

SENATOR MAYO: Good morning. Father in heaven, as the Senate moves towards the conclusion of its work we thank You for Your guidance and support. As the members of the Senate move toward elections we ask that You keep them in Your protection. Let them not be led into error or falsehood by the pressures of the moment not be maliciously or unjustly attacked. Protect their families and give them their privacy, which they have a right to even their highly visible positions. Let the competition be fair and honest and open and let no one be ashamed of any actions or words during the fall campaign. The members of this Body are good people, loyal citizens, and true. I recommend them all to Your grace. Many of the members of this Body are standing for return. Bless them and keep them. To those members of this Body who have chosen not to return, be with them all and reward them for their service to Your people. Amen.

Pledge of Allegiance led by Senator Dennis S. Damon of
Hancock County.

Doctor of the day, David Simmons, MD of Calais.

Reading of the Journal of Thursday, April 13, 2006.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Enhance the Protection of Maine Families from
Terrorism and Natural Disasters " (EMERGENCY)
S.P. 789 L.D. 2044
(C "A" S-575)

In Senate, April 11, 2006, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-575).**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS
AMENDED BY HOUSE AMENDMENT "C" (H-1035)** thereto, in
NON-CONCURRENCE.

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

Non-Concurrent Matter

Bill "An Act To Implement the Recommendations of the Joint
Standing Committee on Education and Cultural Affairs Regarding
Review of the State Board of Education under the State
Government Evaluation Act"
H.P. 1494 L.D. 2103

In Senate, April 10, 2006, **PASSED TO BE ENGROSSED**, in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-1017)**, in **NON-
CONCURRENCE.**

On motion by Senator **MITCHELL** of Kennebec, the Senate
RECEDED and **CONCURRED.**

Joint Order

The following Joint Order:

H.P. 1502

ORDERED, the Senate concurring, that the Commission To
Study Access to Birth Certificates and Medical Records for Adult
Adoptees is established as follows.

1. Commission established. The Commission To Study
Access to Birth Certificates and Medical Records for Adult
Adoptees, referred to in this order as "the commission," is
established.

2. Membership. The commission consists of the following 7
members:

A. Three members of the Senate, appointed by the
President of the Senate; and

B. Four members of the House of Representatives,
appointed by the Speaker of the House.

3. Commission chairs. The first-named Senator is the
Senate chair of the commission and the first-named member of
the House is the House chair of the commission.

4. Appointments; convening of commission. All
appointments must be made no later than 30 days following
passage of this order. The appointing authorities shall notify the
Executive Director of the Legislative Council once all

appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission, which must be no later than June 1, 2006.

5. Duties. The commission shall hold its meetings at various locations in the State to be determined by the chairs. The commission shall gather information and request necessary data from public and private entities and stakeholders in order to:

- A. Study the issues surrounding access by adult adoptees to original birth certificates;
- B. Study the issues surrounding access by adult adoptees to relevant medical records; and
- C. Review the laws of other states regarding access by adult adoptees to original birth certificates and medical records, including, but not limited to, Oregon, New Hampshire and Alabama.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Compensation. Legislative members of the commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission.

8. Report. No later than November 1, 2006, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary and the Legislative Council.

9. Extension. If the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the commission terminates.

10. Budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

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

READ.

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

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 638

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 24, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Thomas Qualey of Sherman, for appointment to the Board of Pesticides Control.

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

YEAS	Senators	2	Nutting of Androscoggin, Raye of Washington
	Representatives	8	Carr of Lincoln, Edgecomb of Caribou, Flood of Winthrop, Jodrey of Bethel, Marean of Hollis, Piotti of Unity, Sherman of Hodgdon, Twomey of Biddeford
NAYS		0	
ABSENT		3	Sen. Bryant of Oxford, Rep. Jennings of Leeds, Rep. Lundeen of Mars Hill

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas Qualey of Sherman, for appointment to the Board of Pesticides Control be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/John F. Piotti
House Chair

READ and **ORDERED PLACED ON FILE.**

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

S/John F. Piotti
House Chair

READ and **ORDERED PLACED ON FILE**.

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

The Following Communication: S.C. 639

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 24, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Steve Schaefer of Grand Lake Stream, for appointment to the Land Use Regulation Commission.

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

YEAS	Senators	2	Nutting of Androscoggin, Raye of Washington
	Representatives	7	Carr of Lincoln, Edgecomb of Caribou, Flood of Winthrop, Jodrey of Bethel, Marean of Hollis, Piotti of Unity, Sherman of Hodgdon
NAYS		1	Rep. Twomey of Biddeford
ABSENT		3	Sen. Bryant of Oxford, Rep. Jennings of Leeds, Rep. Lundeen of Mars Hill

Nine members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Steve Schaefer of Grand Lake Stream, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

The Following Communication: S.C. 640

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

April 24, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Edith Cronk of Wiscasset, for appointment to the Outdoor Heritage Fund Board.

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

YEAS	Senators	3	Cowger of Kennebec, Martin of Aroostook, Snowe-Mello of Androscoggin
	Representatives	4	Duchesne of Hudson, Eberle of South Portland, Koffman of Bar Harbor, Twomey of Biddeford
NAYS		0	
ABSENT		6	Rep. Annis of Dover-Foxcroft, Rep. Daigle of Arundel, Rep. Joy of Crystal, Rep. Rosen of Bucksport, Rep. Thompson of China, Rep. Wheeler of Kittery

Seven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edith Cronk of Wiscasset, for appointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 642

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Cushing P. Samp of Saco, for appointment to the Gambling Control Board.

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

YEAS	Senators	2	Gagnon of Kennebec, Plowman of Penobscot
	Representatives	7	Brown of South Berwick, Fisher of Brewer, Hotham of Dixfield, Ott of York, Pinkham of Lexington Township, Tuttle of Sanford, Valentino of Saco
NAYS		0	
ABSENT		4	Sen. Mitchell of Kennebec, Rep. Nass of Acton, Rep. Moore of Standish, Rep. Patrick of Rumford

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Cushing P. Samp of Saco, for appointment to the Gambling Control Board be confirmed.

Signed,

S/Kenneth T. Gagnon
Senate Chair

S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 641

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

April 24, 2006

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1805 An Act To Provide Adult Adoptees Access to
Their Original Birth Certificates

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: H.C. 444

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

April 14, 2006

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

Dear Secretary O'Brien:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Make Revisions to the Laws Governing Pesticide Control" (H.P. 1330) (L.D. 1890).

Representative PIOTTI of Unity
Representative TWOMEY of Biddeford
Representative FLOOD of Winthrop

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 445

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

April 14, 2006

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

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Lobster Traps (S.P. 656) (L.D. 1739) Failed of Final Passage.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Freedom of Access Advisory Committee"

H.P. 1503 L.D. 2111

Reported that the same **Ought to Pass**, pursuant to Resolve 2005, chapter 123.

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Registration by Residential Construction Contractors"

H.P. 1477 L.D. 2089

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1006)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**.

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

READ ONCE.

Committee Amendment "A" (H-1006) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Prepaid Contracts for Heating Fuel"

H.P. 1493 L.D. 2101

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1025)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1025)**.

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

READ ONCE.

Committee Amendment "A" (H-1025) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations Concerning Temporary Guardian and Conservator Laws"

H.P. 1475 L.D. 2087

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1023)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1023)**.

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

READ ONCE.

Committee Amendment "A" (H-1023) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **TAXATION** on Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 1218 L.D. 1711

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-974)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974)**.

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

READ ONCE.

Committee Amendment "A" (H-974) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Enhance Maine's Energy Independence and Security"

H.P. 1439 L.D. 2041

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1024)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1024)**.

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

READ ONCE.

Committee Amendment "A" (H-1024) **READ.**

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1024), in concurrence.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure"

H.P. 1471 L.D. 2080

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1018)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018)**.

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

READ ONCE.

Committee Amendment "A" (H-1018) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"

H.P. 1483 L.D. 2091

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1026)**.

Signed:

Senators:
HOBBS of York
DOW of Lincoln

Representatives:
CROSBY of Topsham
JACOBSEN of Waterboro
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

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

Signed:

Senator:
BROMLEY of Cumberland

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-1026)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers

H.P. 1430 L.D. 2032

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-987)**.

Signed:

Senators:
STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:
SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Allagash
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Senator:
SNOWE-MELLO of Androscoggin

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

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

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate

Ought to Pass As Amended

Senator DOW for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Preferences in Bidding on Maine State Housing Authority Contracts"

S.P. 742 L.D. 1943

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-619)**.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of Report.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Fees for Probate Filings"
S.P. 717 L.D. 1800

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-617)**.

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

READ ONCE.

Committee Amendment "A" (S-617) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Reform the Income Tax for Middle-income and Lower-income Families"

S.P. 586 L.D. 1605

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

Signed:

Senator:

COURTNEY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-618)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
HUTTON of Bowdoinham
WATSON of Bath

Reports **READ**.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Amend the Laws Concerning Eminent Domain"
S.P. 417 L.D. 1203
(C "B" S-609)

Bill "An Act To Facilitate the Hiring of Healthcare Personnel During Emergency Circumstances"
S.P. 783 L.D. 2036
(C "A" S-615)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Midcoast Regional Redevelopment Authority

H.P. 1371 L.D. 1957
(C "A" H-981)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Prevent Unauthorized Practice of Immigration and Nationality Law

H.P. 1398 L.D. 1996
(C "A" H-977)

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

Emergency Measure

An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine

H.P. 1496 L.D. 2106

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

H.P. 1481 L.D. 2090
(C "A" H-983)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act Concerning Technical Changes to the Tax Laws
S.P. 668 L.D. 1751
(C "A" S-571)

An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax
S.P. 678 L.D. 1761
(H "A" H-953 to C "A" S-453)

An Act To Ensure the Long-term Capacity of Municipal Landfills
S.P. 712 L.D. 1795
(C "A" S-539)

An Act To Increase Consumer Awareness of Prescription Drug Pricing
H.P. 1392 L.D. 1987
(S "A" S-587 to C "A" H-965)

An Act Regarding Storm Water Program Administration
H.P. 1435 L.D. 2035
(S "A" S-594 to C "A" H-879)

An Act To Implement the Recommendations of the Commission To Reform the State Budget Process
S.P. 790 L.D. 2045
(C "A" S-570)

An Act Regarding the Maine Insurance Guaranty Association
H.P. 1463 L.D. 2068
(S "A" S-584 to C "A" H-941)

An Act Relating to Payday Loans
H.P. 1469 L.D. 2076
(C "A" H-982)

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act
H.P. 1495 L.D. 2105
(S "A" S-579)

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

An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station
H.P. 1369 L.D. 1955
(C "A" H-980)

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

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

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

An Act To Allow a Second Opportunity for Retired Teachers To Elect To Rejoin the Teacher Group Accident and Sickness and Health Insurance Plan
H.P. 1484 L.D. 2092
(C "A" H-986)

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

Resolves

Resolve, Directing the Commissioner of Administrative and Financial Services To Establish a Working Group To Develop Options for the Long-term Renovation and Use of the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute
H.P. 1241 L.D. 1733
(C "A" H-973)

Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification
H.P. 1293 L.D. 1853
(H "A" H-988 to C "B" H-918)

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

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta
H.P. 1311 L.D. 1871
(S "A" S-576)

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

Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program
H.P. 1254 L.D. 1814
(C "A" H-934)

On motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolve, To Ensure Financial Management at the Department of Health and Human Services
S.P. 748 L.D. 1949
(C "A" S-546)

On motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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:

NOMINATION - of Cushing P. Samp of Saco, for appointment to the Gambling Control Board

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, April 26, 2006, Communication (S.C. 642) from the Committee on **LEGAL AND VETERANS AFFAIRS, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#435)

YEAS: Senators: None

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

ABSENT: Senator: SULLIVAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cushing P. Samp** of Saco, for appointment to the Gambling Control Board was **CONFIRMED**.

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

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

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec
Pending - **CONSIDERATION**

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

(In Senate, April 26, 2006, Communication (S.C. 638) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

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

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

The Doorkeepers secured the Chamber.
The Secretary opened the vote.

ROLL CALL (#436)

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

YEAS: Senators: None
NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

Off Record Remarks

ABSENT: Senator: PLOWMAN

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 1:00 in the afternoon.

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas Qualey** of Sherman, for appointment to the Board of Pesticides Control was **CONFIRMED**.

After Recess

Senate called to order by the President.

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

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.

Off Record Remarks

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

ORDERS OF THE DAY

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

NOMINATION - of Steve Schaefer of Grand Lake Stream, for appointment to the Land Use Regulation Commission

NOMINATION - of Thomas Qualey of Sherman, for appointment to the Board of Pesticides Control

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec
Pending - **CONSIDERATION**

(In Senate, April 26, 2006, Communication (S.C. 639) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#437)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Steve Schaefer** of Grand Lake Stream, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Edith Cronk of Wiscasset, for appointment to the Outdoor Heritage Fund Board

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, April 26, 2006, Communication (S.C. 640) from the Committee on **NATURAL RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#438)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Edith Cronk** of Wiscasset, for appointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 643

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Health and Human Services has had under consideration the nomination of Brenda M. Harvey of Gardiner, for appointment as the Commissioner of the Department of Health and Human Services.

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

YEAS	Senators	3	Mayo of Sagadahoc, Martin of Aroostook, Rosen of Hancock
	Representatives	7	Burns of South Berwick, Campbell of Newfield, Lewin of Eliot, Miller of Somerville, Pingree of North Haven, Shields of Auburn, Webster of Freeport
NAYS	Senators	0	
	Representatives	3	Glynn of South Portland, Grose of Woolwich, Walcott of Lewiston
ABSENT		0	

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Brenda M. Harvey of Gardiner, for appointment as the Commissioner of the Department of Health and Human Services be confirmed.

Signed,

S/Arthur F. Mayo III
Senate Chair

S/Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **HEALTH AND HUMAN SERVICES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#439)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Brenda M. Harvey** of Gardiner, for appointment as the Commissioner of the Department of Health and Human Services was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Brenda M. Harvey. Would she please rise and accept the greetings of the Senate.

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

COMMUNICATIONS

The Following Communication: S.C. 646

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Andrew M. Mead of Bangor, for reappointment as a Superior Court Justice.

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

YEAS Senators 2 Hobbins of York, Hastings of Oxford

Representatives 9 Bryant of Windham, Bryant-Deschenes of Turner, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Gerzofsky of Brunswick, Nass of Acton, Sherman of Hodgdon, Simpson of Auburn

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Andrew M. Mead** of Bangor, for reappointment as a Superior Court Justice was **CONFIRMED**.

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

NAYS 0

ABSENT 2 Sen. Bromley of Cumberland, Rep. Faircloth of Bangor

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Andrew M. Mead of Bangor, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#440)

YEAS: Senators: None

NAYS: 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

The Following Communication: S.C. 647

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Ann M. Murray of Bangor, for reappointment as a District Court Judge.

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

YEAS	Senators	2	Hobbins of York, Hastings of Oxford
	Representatives	8	Bryant of Windham, Bryant-Deschenes of Turner, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Nass of Acton, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Faircloth of Bangor, Rep. Gerzofsky of Brunswick

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Ann M. Murray of Bangor, for reappointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#441)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Ann M. Murray** of Bangor, for reappointment as a District Court Judge was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 648

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable John V. Romei of Machias, for reappointment as a District Court Judge.

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

YEAS	Senators	2	Hobbins of York, Hastings of Oxford
	Representatives	9	Bryant of Windham, Bryant-Deschenes of Turner, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Nass of Acton, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		2	Sen. Bromley of Cumberland, Rep. Gerzofsky of Brunswick

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable John V. Romei of Machias, for reappointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#442)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **John V. Romei** of Machias, for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 649

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Andrew M. Horton of Falmouth, for reappointment as a District Court Judge.

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

YEAS	Senators	2	Hobbins of York, Hastings of Oxford
	Representatives	8	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Nass of Acton,

Sherman of Hodgdon,
Simpson of Auburn

NAYS 0

ABSENT 3 Sen. Bromley of Cumberland, Rep. Bryant-Deschenes of Turner, Rep. Gerzofsky of Brunswick

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Andrew M. Horton of Falmouth, for reappointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#443)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Andrew M. Horton** of Falmouth, for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 650

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable John C. Nivison of Winslow, for reappointment as a District Court Judge.

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

YEAS	Senators	2	Hobbins of York, Hastings of Oxford
	Representatives	8	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Dunn of Bangor, Faircloth of Bangor, Nass of Acton, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Bryant-Deschenes of Turner, Rep. Gerzofsky of Brunswick

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable John C. Nivison of Winslow, for reappointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#444)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **John C. Nivison** of Winslow, for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 651

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Carol A. Epstein of Bangor, for appointment to the Maine Community College System Board of Trustees.

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

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carol A. Epstein of Bangor, for appointment to the Maine Community College System Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#445)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN,
BROMLEY, BRYANT, CLUKEY, COURTNEY,
COWGER, DAMON, DAVIS, DIAMOND, DOW,
GAGNON, HASTINGS, HOBBS, MARTIN,
MAYO, MILLS, MITCHELL, NASS, NUTTING,
PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO,
SAVAGE, SCHNEIDER, SNOWE-MELLO,

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Carol A. Epstein** of Bangor, for appointment to the Maine Community College System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 652

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Kris Doody-Chabre' of Caribou, for appointment to the Maine Community College System Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kris Doody-Chabre' of Caribou, for appointment to the Maine Community College System Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#446)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kris Doody-Chabre'** of Caribou, for appointment to the Maine Community College System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 653

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

April 25, 2006

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

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Robert P. Clark of Fort Fairfield, for appointment to the Maine Community College System Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert P. Clark of Fort Fairfield, for appointment to the Maine Community College System Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

YEAS Senators 3 Mitchell of Kennebec,
Schneider of Penobscot,
Turner of Cumberland

The Secretary opened the vote.

ROLL CALL (#447)

Representatives 9 Cain of Orono, Davis of
Falmouth, Edgecomb of
Caribou, Finch of Fairfield,
Goldman of Cape Elizabeth,
Lansley of Sabattus, Makas
of Lewiston, Norton of
Bangor, Stedman of Hartland

YEAS: Senators: None

NAYS 0

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

ABSENT 1 Rep. Merrill of Appleton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John J. Mooney of Harborside, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#448)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert P. Clark** of Fort Fairfield, for appointment to the Maine Community College System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 654

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

April 25, 2006

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

Dear Madame President:

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

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

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

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

The Following Communication: S.C. 655

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

April 25, 2006

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

Dear Madame President:

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

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	9	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		1	Rep. Merrill of Appleton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul M. Rich of Edgecomb, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#449)

YEAS: Senators: None

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

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

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

The Following Communication: S.C. 644

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

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs scheduled a public hearing on the Governor's nomination of Michael D. Pearson of Enfield to the Maine School of Science and Mathematics Board of Trustees. Mr. Pearson was unavailable for public hearing on March 28th as scheduled. The Committee was unable to complete its consideration of this nomination within the statutory period required.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Extend the Reporting Deadline for the Task Force on Citizenship Education

H.P. 1504 L.D. 2112

Reported that the same **Ought to Pass**, pursuant to Resolve 2003, chapter 143, Part B, section 2.

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

Seven members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, pursuant to Public Law 2005, Chapter 423, Section 24, on Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

H.P. 1224 L.D. 1717

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Representatives:

BLANCHETTE of Bangor
PLUMMER of Windham
HANLEY of Gardiner
CHURCHILL of Washburn
GERZOFKY of Brunswick
GROSE of Woolwich
PARADIS of Frenchville

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-794)**.

Signed:

Senators:

DIAMOND of Cumberland
CLUKEY of Aroostook

Representative:

DAVIS of Augusta

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-795)**.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

SYKES of Harrison

Comes from the House with Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Issue Certificates of Title for Single-unit Mobile Homes"
H.P. 1457 L.D. 2061

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1038)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1038)**.

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

READ ONCE.

Committee Amendment "A" (H-1038) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in 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

House

Ought to Pass As Amended

The Committee on **LABOR** on Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor (EMERGENCY)
H.P. 1501 L.D. 2109

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1040)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1040)**.

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

READ ONCE.

Committee Amendment "A" (H-1040) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

ENACTORS

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

Emergency Measure

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

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

On motion by Senator **MARTIN** of Aroostook, 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 (#450)

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

NAYS: Senators: None

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

Emergency Measure

An Act To Improve Early Childhood Special Education
S.P. 689 L.D. 1772
(C "A" S-585)

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

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

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

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

ENACTORS

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

An Act To Invest in the Future of Maine Citizens
S.P. 751 L.D. 1954
(C "A" S-586)

Emergency Resolve

Resolve, To Reduce State Valuation as a Result of the Closure of Georgia-Pacific Facilities

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

S.P. 838 L.D. 2096
(C "A" S-590)

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

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

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

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.

ENACTORS

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Acts

An Act Relating to the Assessment of Property Taxes on Time-share Property

H.P. 1297 L.D. 1857
(C "A" H-993)

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

ROLL CALL (#451)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS OF THE DAY

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

The Chair laid before the Senate the following Tabled and Later (4/26/06) Assigned matter:

Bill "An Act To Enhance Maine's Energy Independence and Security"

H.P. 1439 L.D. 2041

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1024)**, in concurrence

(In House, April 14, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1024)**.)

(In Senate, April 26, 2006, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-1024) **READ**.)

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-628) to Committee Amendment "A" (H-1024) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1024) as Amended by Senate Amendment "A" (S-628) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1024) AS AMENDED BY SENATE AMENDMENT "A" (S-628)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/26/06) Assigned matter:

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

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

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, April 11, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575)**.)

(In House, April 14, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS AMENDED BY HOUSE AMENDMENT "C" (H-1035)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-575)**.

House Amendment "C" (H-1035) to Committee Amendment "A" (S-575) **READ**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "C" (H-1035) to Committee Amendment "A" (S-575), in concurrence.

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

ENACTORS

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

Acts

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

H.P. 1453 L.D. 2057
(C "A" H-947)

An Act To Amend the Charter of the Anson Water District

S.P. 842 L.D. 2100
(C "A" S-601)

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

An Act To Establish a Food Policy for Maine

H.P. 1497 L.D. 2107

On motion by Senator **NUTTING** of Androscoggin, **TABLED 1** Legislative Day, pending **ENACTMENT**, in concurrence.

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

ENACTORS

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

Resolves

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

S.P. 769 L.D. 1991
(S "A" S-600 to C "A" S-581)

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

Resolve, To Collect Information about Employer-based Health Coverage

S.P. 727 L.D. 1927
(S "A" S-604 to C "A" S-580)

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

SECOND READERS

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

House

Bill "An Act To Implement the Recommendations of the Freedom of Access Advisory Committee"

H.P. 1503 L.D. 2111

READ A SECOND TIME.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

House As Amended

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

H.P. 1218 L.D. 1711
(C "A" H-974)

Bill "An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure"

H.P. 1471 L.D. 2080
(C "A" H-1018)

Bill "An Act To Implement Recommendations Concerning Temporary Guardian and Conservator Laws"

H.P. 1475 L.D. 2087
(C "A" H-1023)

Bill "An Act To Require Registration by Residential Construction Contractors"

H.P. 1477 L.D. 2089
(C "A" H-1006)

Bill "An Act Regarding Prepaid Contracts for Heating Fuel"
H.P. 1493 L.D. 2101
(C "A" H-1025)

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

Senate As Amended

Bill "An Act To Amend the Fees for Probate Filings"
S.P. 717 L.D. 1800
(C "A" S-617)

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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Strengthen the Collection of the Tax on Tobacco Products"

H.P. 1485 L.D. 2093
(C "A" H-1009; H "B" H-1022)

In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1009) AND HOUSE AMENDMENT "B" (H-1022)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1009); HOUSE AMENDMENTS "B" (H-1022) AND "C" (H-1042)**, in **NON-CONCURRENCE**.

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

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

ENACTORS

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

Emergency Measure

An Act To Allow the 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

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 656

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

April 24, 2006

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 2099 Resolve, To Provide Assistance to Heating Fuel Customers Who Enter into Prepaid Contracts That Are Not Honored

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 657

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

April 26, 2006

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1557 An Act To Improve the Business Equipment Tax Reimbursement Program

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Ensure Efficiencies in the Billing and Delivery of Outpatient Clinical Services

H.P. 1397 L.D. 1995

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1033)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1033) AS AMENDED BY HOUSE AMENDMENT "A" (H-1045)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-1033) **READ**.

House Amendment "A" (H-1045) to Committee Amendment "A" (H-1033) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1033) as Amended by House Amendment "A" (H-1045) thereto **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Importation of Wine"
H.P. 1341 L.D. 1900

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

Signed:

Senators:

GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:

FISHER of Brewer
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-976)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York
MOORE of Standish

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

Reports **READ**.

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

ORDERS OF THE DAY

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

Bill "An Act To Strengthen the Collection of the Tax on Tobacco Products"

H.P. 1485 L.D. 2093
(C "A" H-1009; H "B" H-1022)

Tabled - April 26, 2006, by Senator **PERRY** of Penobscot

Pending - **FURTHER CONSIDERATION**

(In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1009) AND HOUSE AMENDMENT "B" (H-1022)**, in concurrence.)

(In House, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1009); HOUSE AMENDMENTS "B" (H-1022) AND "C" (H-1042)**, in **NON-CONCURRENCE**.)

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

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

REPORTS OF COMMITTEES

House
Pursuant to Private and Special Law

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Private and Special Law 2001, chapter 54, section 3, on Bill "An Act To Extend the Alternative Delivery Methods Pilot Program for Certain School Construction Projects"
H.P. 1505 L.D. 2113

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

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot

Representatives:

DAVIS of Falmouth
EDGECOMB of Caribou
NORTON of Bangor
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1043)**.

Signed:

Representative:

FINCH of Fairfield

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

Reports **READ**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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 (4/06/06) Assigned matter:

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

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

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504)**.)

(In House, April 5, 2006, **FAILED ENACTMENT**.)

On motion by Senator **NUTTING** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-504).

On further motion by same Senator, Senate Amendment "A" (S-605) to Committee Amendment "A" (S-504) **READ** and **ADOPTED**.

Committee Amendment "A" (S-504) as Amended by Senate Amendment "A" (S-605) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504) AS AMENDED BY SENATE AMENDMENT "A" (S-605) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/07/06) Assigned matter:

Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY)

H.P. 1437 L.D. 2039

Tabled - April 7, 2006, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-952)**, in concurrence

(In House, April 7, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**.)

(In Senate, April 7, 2006, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-952) **READ**.)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-630) to Committee Amendment "A" (H-952) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. For those of you who are aware of how L.D. 1 works, specifically in municipalities, if there is an override necessary it requires another vote of the municipal officers. There was some misunderstanding among some of the counties as to whether that was required if they went over the amount allocated based on L.D. 1. This basically treats the counties just

like the municipalities so that if they go in excess then it requires another vote of the county commissioners. Like in Aroostook, for example, we have a finance board and this would require the finance board to vote again. What this does, in simple language, is to do the same thing with the counties as we are now requiring under the law for municipalities.

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

Senator **DAMON:** Thank you, Madame President. May I direct a question through the Chair for anyone who may wish to answer?

THE PRESIDENT: The Senator may pose his question.

Senator **DAMON:** Thank you, Madame President. It is my understanding that with the enactment of L.D. 1 counties, in fact, are held to that standard already but that the unorganized territory of the county budget isn't. I'm wonder if this amendment would pertain to the unorganized territory portion of the county budget?

THE PRESIDENT: The Senator from Hancock, Senator Damon 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. To answer the question, specifically yes. This will specifically require that when the county commissioners do the unorganized territory budget, which is different then the county budget, it will require them to do that same thing.

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

Senator **ROSEN:** Thank you, Madame President. I would also like to pose a question, if I may?

THE PRESIDENT: The Senator may pose his question.

Senator **ROSEN:** Thank you, Madame President. In reading the amendment, in a quick read it strikes me that the threshold for approval is higher in the amendment than is imposed on the other elected bodies. If I recall, in L.D. 1 there is an override vote for the elected school committee. There is a separate override action for the elected municipal body. If I'm reading this correctly it requires that the override be agreed to by the budget advisory committee, which is an appointed body, and the commissioners, who are elected. That strikes me as a higher threshold.

THE PRESIDENT: The Senator from Hancock, Senator Rosen 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 and members of the Senate. In response to the question, in some counties, for example my own, the finance committee actually has the authority of the budget. In other counties the advisory committee does have some authority. It would apply only to those where those two entities have authority. In some counties they are purely

advisory and have no authority whatsoever. That would not apply.

On further motion by same Senator, Senate Amendment "A" (S-630) to Committee Amendment "A" (H-952) **ADOPTED**.

Committee Amendment "A" (H-952) as Amended by Senate Amendment "A" (S-630) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY SENATE AMENDMENT "A" (S-630)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 658

STATE OF MAINE ONE HUNDRED AND TWENTY-SECOND LEGISLATURE COMMITTEE ON LEGAL AND VETERANS AFFAIRS

April 25, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of A. Mavourneen Thompson of Peaks Island, for appointment to the Commission on Governmental Ethics and Election Practices.

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

YEAS	Senators	1	Gagnon of Kennebec
	Representatives	8	Brown of South Berwick, Fisher of Brewer, Hotham of Dixfield, Nass of Acton, Ott of York, Pinkham of Lexington Township, Tuttle of Sanford, Valentino of Saco
NAYS		1	Sen. Plowman of Penobscot

ABSENT 3 Sen. Mitchell of Kennebec,
Rep. Moore of Standish, Rep.
Patrick of Rumford

Nine members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of A. Mavourneen Thompson of Peaks Island, for appointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Kenneth T. Gagnon
Senate Chair

S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#452)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **A. Mavourneen Thompson** of Peaks Island, for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

The Following Communication: S.C. 659

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 26, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Insurance & Financial Services has had under consideration the nomination of Edmund J. McCann of Hallowell, for appointment to the Dirigo Health Board of Directors.

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

YEAS	Senators	2	Sullivan of York, Mayo of Sagadahoc
	Representatives	5	Brautigam of Falmouth, Harlow of Portland, Marrache of Waterville, Perry of Calais, Pilon of Saco
NAYS	Senators	1	Mills of Somerset
	Representatives	5	Glynn of South Portland, Lindell of Frankfort, McKane of Newcastle, Richardson of Warren, Vaughan of Durham

ABSENT 0

Seven members of the Committee having voted in the affirmative and six in the negative, it was the vote of the Committee that the nomination of Edmund J. McCann of Hallowell, for appointment to the Dirigo Health Board of Directors be confirmed.

Signed,

S/Nancy B. Sullivan
Senate Chair

S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **MILLS**: Thank you, Madame President and men and women of the Senate. If I may speak briefly in opposition to the confirmation and request a green light on this one and the next proceeding matter that I believe we will be taking up. Could I just have a moment to explain my reasons?

Both of the gentlemen that have been appointed and who made presentations to our committee are very fine people. They are of outstanding character. I have known at least one of them for 12 years and the other one casually. They have good reputations. My concern about the composition of the Dirigo Board is quite simple. It's a political concern. For whatever reason, over the past 2-1/2 years the Dirigo Board has evolved into an organization whose principle economic impact on our state is to be the board that generates what is in essence a sales tax on the payment of medical expenses for people who are lucky enough to be able to buy insurance. Probably the most significant task allocated to that board is the overseeing of the process by which that tax is created and the amount of the tax generated and in the final analysis those five members get to decide the amount of the tax. I seriously question whether it is even constitutional for this Body to be delegating to such a small group of people the opportunity to put a tax to up to 4% on the 700,000 people who are struggling to pay their insurance bills. Be that as it may, it seems to me that if that delegation is to be tolerated, at the very least, we should be placing people on the board who are of diverse political backgrounds and persuasions. Both of the gentlemen that are before us this afternoon are from the labor side of the political spectrum. I think that it would be fair to say that their sentiments would be to make judgments that would create a fairly liberal interpretation of their powers to assert this tax and I think that the business community and its employees who must pay this tax are already under-represented on this board and would be less represented if these two folks were to be placed on the board.

As I said, I think they are both honorable people, but I think that the board lacks balance in its current constitution and placing these two folks on that board won't do anything but exacerbate that imbalance, and frankly, when this Dirigo Board was created 2-1/2 years ago I don't think any of us envisioned that it would have quite the power to be as arbitrary as they are able to be in the assessment of taxes on Maine people. That's my position and that's the reason I'll be voting green, which in this instance is opposed to the nomination. Thank you.

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

Senator **SULLIVAN**: Thank you, Madame President, men and women of the Senate. I don't expect I'll change anybody's mind, however, I feel an obligation to let you know that, as a committee, we are assigned to confirm somebody who has been nominated by the Governor or to find a good reason why that person is not qualified to be on the board. Clearly, the Dirigo Board was set up and there were to be representatives for labor. This is not much different from anything else. It's a board. There are classifications and the constituency that they must service is there. That is why you have two labor people because their terms are up. I find it somewhat upsetting that when people go to serve on boards and because you don't like their political reason you would choose to openly say they are fine people but you are opposed to them politically. You are opposed to Dirigo, therefore let's not have anybody on the board. I think it's wrong. I think

you're doing your people a disservice. The law is clear on who should be there. It's similar to when we have the lobstermen and women on a board. In the Lobster Advisory Council somebody has to be from the seafood industry as a dealer and somebody has to be a public member. This is their job, to be the labor representative. I find it disturbing that we would take that political process of appointing people and say you love the people but you don't happen to like the views they hold. Nothing wrong, you just don't like their views and you will vote against it. I ask you to follow the majority recommendation. Yes, it is very partisan and I don't intend to change anyone's mind. I do think that the public needs to know that you voted against people who are willing to serve simply because you disagreed politically with them.

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

Senator **MILLS**: Thank you, Madame President and men and women of the Senate. There really is no requirement in statute that there be a labor seat or a seat of any other kind representing a certain constituency on this board. It just says that the people appointed must have knowledge of and experience in one or more of the following areas and they list six and they all have to do with healthcare, purchasing health insurance, MaineCare, health policy and law, state management and budget, and healthcare financing. To be honest, neither of the gentlemen that are before us this afternoon is known for having expertise in any of these six areas, although they are very fine people. I would suggest that the real design here is to pack the board with people that will do the will of the Chief Executive. Thank you.

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

Senator **BRENNAN**: Thank you, Madame President, men and women of the Senate. I really find the comments of the previous speaker to be very unfortunate and very untimely. The Dirigo Health Board, when it was voted on in 2003 and was supported by the good Senator from Somerset, Senator Mills, recognized that there were certain designations for people in certain slots. I personally know one of the people that is nominated that has a very extensive background in health law and in health policy, and is very well qualified to be on the board.

Secondly, I find it very disingenuous that comments were made about this board passing a tax. We know it is an assessment. It is a savings offset payment. It is in no way, shape, or form a tax. I find it very disappointing that these comments were made. I hope that people will support these nominations. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#453)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, and 15 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Edmund J. McCann** of Hallowell, for appointment to the Dirigo Health Board of Directors was **CONFIRMED**.

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

The Following Communication: S.C. 660

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 26, 2006

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Insurance & Financial Services has had under consideration the nomination of Jonathan S.R. Beal of Portland, for appointment to the Dirigo Health Board of Directors.

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

YEAS	Senators	2	Sullivan of York, Mayo of Sagadahoc
	Representatives	5	Brautigam of Falmouth, Harlow of Portland, Marrache of Waterville, Perry of Calais, Pilon of Saco

NAYS	Senators	1	Mills of Somerset
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Representatives 5 Glynn of South Portland, Lindell of Frankfort, McKane of Newcastle, Richardson of Warren, Vaughan of Durham

ABSENT 0
Seven members of the Committee having voted in the affirmative and six in the negative, it was the vote of the Committee that the nomination of Jonathan S.R. Beal of Portland, for appointment to the Dirigo Health Board of Directors be confirmed.

Signed,
S/Nancy B. Sullivan
Senate Chair
S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#454)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, and 15 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jonathan S.R. Beal** of Portland, for appointment to the Dirigo Health Board of Directors was **CONFIRMED**.

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

ORDERS OF THE DAY

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

JOINT ORDER - Establishing the Joint Select Committee on Research, Economic Development and the Innovation Economy
S.P. 847

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

Pending - motion by same Senator to **PASS**

(In Senate, April 10, 2006, on motion by Senator **BROMLEY** of Cumberland, **READ**.)

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-624) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-624).

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Update Teachers' Minimum Salaries"

S.P. 480 L.D. 1381

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-577)** (9 members)

Report "B" - **Ought Not to Pass** (3 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-578)** (1 member)

Tabled - April 11, 2006, by Senator **MITCHELL** of Kennebec

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)**

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

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

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to ask you to oppose the motion before us and ask you think about its implications as it affects the property tax. It should be quite obvious to you that if you have school districts that are currently below the minimum and if you expend money to bring those salaries up to the

minimum, that all those steps in that school district will now adjust accordingly, either by opening a new contract or modifying an existing one. When that happens the additional tail associated with this action will fall disproportionately on the property tax. It is possible that in some cases that might be minimal. It is also possible in many cases it could be significant. If you happen to be in a school district that is already above the minimum I don't think you can sit back say that your school district is safe because by virtue of moving the minimum salary from \$15,500 to \$30,000, as this bill suggests, opens up the opportunity for renegotiation and new contracts in those school districts who have their minimum above \$30,000. On the back of the envelope calculation on the tail associated with this could be as high as \$50 million or more. That's not a figure that I can expand on for you but it is a figure that has been discussed around our committee as the Education Committee deliberated on this matter. We did some very good things with L.D. 1 fourteen or fifteen months ago. We used that vehicle to affect property tax relief and the engine that drove that was the EPS funding formula. We are now going to use that same mechanism to take property tax relief away from many of our citizens. I think that is a mistake. I don't have a better offer to make you this afternoon with regard to how we should handle this matter. I do believe this is the wrong way. I would urge you to vote against the motion, and I think this is something the Education Committee could deliberate on as we go through the end of this session and approach the 123rd. I think all of us will agree that there is a need to put more money into the classroom. I just don't think this is a very good way to do it. I think there are better ways that we could explore, and I would encourage you to vote against the motion. Thank you very much, Madame President.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. Forgive me for making a few educational analogies, but our committee and many of you have been looking at this bill since we came into session a year ago. I had a bill that came before our committee that talked about raising teacher pay. That bill was carried over because it was indeed complex. As the good Senator from Cumberland, Senator Turner, has pointed out, how do we accomplish this in a fair and equitable way? At the beginning of this year the Chief Executive announced that in his budget he was intending to raise the minimum teacher pay to \$30,000 and it would be funded out of the state budget, the difference in the pay for where teachers are now to get them up to \$30,000. Well, something happened along the way to passing that budget and that fell out of the budget. It was left for today's debate. It was left for us to make a separate and conscience decision on this issue. I have no quarrel with that. Later on, if we should get past this first hurdle, I will offer an amendment which reflects some of the money that was taken out of the fund for the \$30,000 and suggest to you that we don't have enough to go to \$30,000 in the first year but to go to \$27,000. I'm not there yet, I have to get over the first hurdle.

Please bear with me for a moment because here we are in the waning days of the session with what I thought was the most important bill that I sponsored when I came here almost two years ago. I am reminded of Shakespeare. If you can think back to your Shakespeare days and remember Polonius saying goodbye to Laertes when he was at the door when he was going away.

You've had this experience if you have children going off to college or someplace. You say all the important things while you are standing in the doorway. Remember he told him 'To thine own self be true' and all those other things you've quoted for years. Here we are, on the waning days of the session, and I'm trying to tell you everything that I think is so important about this extraordinary opportunity that we have here to set things right.

The other thing I want to say is about a bumper sticker I'm reading all the time. If you can read these bills, thank a teacher. I also know, and you know, that money should be put where our values are. I'd like to ask that we all think about, as we try to do the right thing today, who do you think is teaching our children? Obviously the parents are very important, but the number one item we should be concerned about paying adequate wages to would be the teaching force. If you pay people what I'm seeing on this paper, this salary, it seems to me we're having a different view of values. You can have the finest buildings in the world. You can the best busses to take the kids to school. You could even have laptop computers. You can have everything. I'm going to suggest to you that it would be very hard to attract and retain teachers, particularly in the rural areas of our state. Not very long ago we debated the labor market area. Many of you were lamenting the fact that not enough money was going into these small rural schools. Should we pass this bill today that is exactly where the money from the state is going to be going. I probably shouldn't be talking about that very much because from districts that pay more and don't get as much from the state won't be as thrilled about that. The money will be going to these towns.

I want to talk to you for just a few minutes, and I really apologize for taking your time but it is very important, about the last time the state decided that there would be a minimum teacher's salary of \$15,500, even I wasn't here then because I had stepped out for a while, was in 1987. That might sound pathetically low, but if you adjust it for inflation it gets up to \$20,000. Believe it or not, in state right now 62 of the 127 districts will be paying less than this adjustment for inflation. A person with a BA degree has a minimum salary in Charlotte of \$21,538; Caswell is \$21,200; SAD 14 in Danforth is \$22,279; SAD 70 in Hodgdon is \$22,477; Machias is \$22,477; and Southern Aroostook is \$23,000. This list goes on and it just rings all kinds of alarm bell to me. Very recently we heard about young people who can't pursue their dreams of teaching or social work or any of the traditional women's occupations because we can no longer say that your husband or somebody else can support you. You obviously have to make livable wages yourself. Think about the staggering amount of loans that kids are coming out of colleges with. Could you support yourself and pay back a loan on \$23,000 or \$24,000. I would suggest that you probably couldn't.

A few fact that are important to think about. The workforce in Maine is aging. The largest population age band for K-12 teachers is the 50 - 55 year old band. Second largest is 56 - 60. Retirements increased by 59% from 2003 to 2004. This is the saddest statistic: 44.4% of the teachers surveyed said if they were back in college they might reconsider their choice. Obviously it isn't all just about salaries because teachers teach because they love the kids. For no amount of money could you pay some people to go into a classroom and spend their every waking moment thinking how best to teach these young people and to bring them forward.

For my business-minded folks in this room, I'm going to share with you an Ann Quinlan article from Newsweek for a moment. This goes back to a November 2005 issue when Ann

Quinlan herself spent a day in a New Jersey classroom and was amazed at what people had to go through to try to teach the young people. This is what struck her. According to the Department of Education one in every five teachers leaves after the first year and almost twice as many leave within three. If any business had that rate of turnover someone would do something smart and strategic to fix it. This isn't any business, it's the most important business around. They are the gardeners of the landscape of the human race.

The final thing, if I could, and forgive my English teacher bent. I've waited a long time and I appreciate your hearing me out. In recent years teacher's salaries have grown, if they have grown at all, at a far slower rate than those of other professions, often lagging behind inflation yet teachers should have the most powerful groups of advocates in the nation. Guess what? We're not talking about unions. Of course, they are advocates, but it should be the parents and all of you former students. You should be the advocates for those teachers who brought you where you are as we sit here today. You may have read 'Angela's Ashes' and you may know that this gentleman also, Frank McCourt, was a teacher. As he left it, at the end of his book, McCourt, who is preparing to leave teaching with the idea of living off his pension and maybe writing, as you know 'Angela's Ashes' will win a Pulitzer, he's giving advice to his young substitute. 'You will never know what you've done to or for the hundreds coming and going,' he says, 'Ya, but the hundreds know, the hundreds who are millions who are us. They made us, we owe them.' I think this is truly a watershed moment for Senators of both parties in the State of Maine. It is time to vote in a positive motion to say that our teachers are some of the most important people contributing to the success of the state of Maine today. We can talk about economic development until the cows come home. Sorry, Senator Nutting. We can talk about all the things that really matter to us as we move Maine forward. The bottom line is you need good quality teachers and you need to tell them that you appreciate them. I would urge you to vote for the Majority Ought to Pass Report. Thank you.

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

Senator **ANDREWS:** Thank you, Madame President and fellow Senate members. I'm going to ask you to vote against this bill because I think in actuality it could have a detrimental effect on educating our children. The good Senator from Cumberland, Senator Turner, talked about the tail that is going to be passed on for the teachers that are above that starting level. You all know we passed L.D. 1 and that means if you are going to go over your budget over a certain percentage you must go back and ask the voters. A number of years ago in York the voters turned down a large increase that would have gone for teachers' salaries. That cost the loss of 24 teacher positions. If you go with the increased salary, the contracts coming down go for the increased wages for all the levels up. If the citizens do not support that increase, that over ride, and that increase in the cap, the schools are going to have no alternative than to decrease the number of teachers in order to pay what they can. There are really long-range ramifications of this bill.

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. My perspective on this is primarily from one from the financial side, the budget or whatever. It is somewhat disturbing to me that this came in as part of the budget at a time when we're all preparing for re-election. A few minutes ago we were just admonished not to make decisions based on political measures. I would suggest to you that this is very much a political measure. One designed to appeal to a certain group of people. It was my good fortune to be on a school board in 1984. I might disagree with the Senate Chair of the Education Committee as to the year. Perhaps 1987 was the year that the benefit was first obtained for teachers. We were part of a district that didn't pay their teachers very well. It did have a beneficial effect in slowly bringing that particular district's salaries up.

I believe today's decision is not about the salaries. It's about who makes the decision about the salaries. That is what this is about. I happen to believe in local control, especially on education. I think that has worked and has served us very well for a number of years. Certainly, if somebody else is setting your teachers' salaries you don't have much local control over education. There is not much left. The school lunch program, what you are going to serve for lunch. If somebody else is setting your salaries then why bother to come to the meetings. I guess that disturbs me the most about this.

It is true. Everything that has been said today by the Senator from Kennebec, Senator Mitchell, about teaching is true. Something more should be done. We should value these people more, but at whose expense? Who's to make that decision? That is what this is all about. I object to us doing it here. I don't think it's the right place to do it. I think the best decisions are done here. Besides that, we're not paying for it for very long. We're giving a token payment to this. Even in 1984 we paid for it for a few years in two or three different methods. I ask, and just perhaps more of a reminder myself, have we made some serious mistakes that we are seeing the price of right now? Look at how we treat teachers and school employees as far as their pensions go. The state is paying that cost. Look at what we're doing for healthcare costs for retired teachers. We're paying that. I would suggest that this is a big mistake we made a number of years ago. We've taken the responsibility of those payments away from the municipality that was supposed to control the schools and we're trying to do it up here. The folks that should bear the burden or the responsibility for that don't care about it anymore because somebody else is paying the bill and we're stuck with a problem. I would suggest that this is the wrong thing to do at the wrong time. We're not paying for it. Besides that, I represent a bunch of municipalities that haven't seen the benefits of L.D. 1 yet. They will see the benefits of this all right. The down side is that it's going to cost them more to pay for their teachers. Where the benefit of L.D. 1 went we could talk about all day long. There will be no benefit to them. Their property taxes haven't gone down. It's going to go up because of this. I would urge that you vote against it. 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 know teachers made a huge difference in my life. I think probably most Senators here would say that. I've struggled with this issue. My concern is that EPS, our new formula in effect, in my opinion, locks in low teacher pay

in the property poor areas because you are reimbursed based on what you actually pay. If you look at the list of what each school is paying teachers now and the three SADs, SAD 31 Howland, SAD 29 Houlton, and SAD 70 Hodgdon, those SADs are paying the least amount per starting teacher. Yet those three SADs have the highest number of actual mills raised for education of any SAD in the state, all over 16 mills. My concern is for those areas because they haven't got any money from EPS and they have very low property valuation per student. It's the creep, so to speak, of the other salaries in those areas that might end up on the local property tax. That's my concern. On the other hand I've had numerous teachers in their first or second year call me and say, 'I went to college, graduated, got my degree, and I'm teaching. Should I be able to afford a house?' I'd like to say yes, but I know they can't at the current rate of pay.

As I've struggled with this, last week I kind of mapped out my own personal strategy. I'm going to be supporting this bill this year but only because I've already been to the revisor's office, and Madame President I checked to make sure this was legal, I've already filed a bill for next session to totally do away and eliminate the EPS formula because it is leading to inequities. I believe next year we can fix that formula so that these schools with low teacher pay and low valuations per students are going to begin again, as they did the previous few years, to receive more school funding money so that the creep doesn't end up on the local property tax. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW**: Thank you, Madame President. May I pose a couple of questions through the Chair to anyone who can answer?

THE PRESIDENT: The Senator may pose his questions.

Senator **DOW**: Thank you, Madame President. I notice that the starting date is June 30, 2006. Many districts are now going through salary negotiations. Some have completed them already. How would this starting effect those negotiations? The \$30,000 amount goes two to four steps up in the pay scale ladder in many districts. How are these districts supposed to rectify this problem?

THE PRESIDENT: The Senator from Lincoln, Senator Dow poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL**: Thank you, Madame President and colleagues in the Senate. I will try to answer the question. If I leave out something I trust that the good Senator will ask again. The question is, how will this work for this coming school year? I'm a bit in a box here because what I want to offer you is an amendment to the committee amendment with different things on it. We're not there yet. I will say this, were the \$30,000 going to be the number that we're talking about as the bill and the report talks about, let's say that you have four teachers making \$29,000 in your school. Your unit would receive \$4,000 to give each of those teachers another \$1,000.

While I'm on my feet, the amendment versus the report, this payment is intended to go on for these teachers forever. That is

the plan. It's a modest amount of money really because, fortunately, many of your schools, including the good Senator from Lincoln, Senator Dow's area, will not even be effected by it because his people have been paid already.

One final thing, I don't know about you, and I tried to tell you, but the advocate should not be just the union. Yes, they are advocates. Why shouldn't they be, that's their job. It should be the parents. It should be all of you. Frankly, I don't know what party half the teachers are in my district. The ones that came before the Appropriations Committee told stories where party affiliation knows no bounds in terms of repaying student loans or buying a house. I do respect that, but I want you to understand this funded for these people. What you are concerned about, as the good Senator from Cumberland, Senator Turner, is what happens to people above the minimum. The minimum itself is funded. It's those above it that you've concerned about, which is a local control bargaining issue. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. Fools rush in where angels fear to tread. Yes, I am a teacher. I wasn't going to say anything on this. By the way, I'm the fool in this case because I decided to stand up and speak. With 20 plus years teaching this is not an issue for me. In my first marriage my husband was a teacher. His first contract was for \$8,000. Yes, I am old. Not quite as old as a retired teacher in this chamber as of last year.

I want to talk a little bit about how do you say to a teacher at 22 years old that they've gone four years to school, and in many cases if they have not gone to the Land Grant College, it will cost them more per year to go to college than we are going to give them to work. That's hard. I've also stood in this chamber and I've listened over and over again to both sides of the aisle saying that what we need is more higher paying jobs. I submit to you that there are an awful lot of teachers, and people who are in college planning to become teachers, who are in college planning to come back to Maine. Not brain drain. They want to stay here. They want to teach here.

Many in this chamber have law degrees. Last time I looked that's running about \$30,000 to \$50,000 for undergraduate school. I know, I had a son that graduated. Wesleyan has much of my money. It's paid off. Believe me, he doesn't look at \$30,000 jobs. I also know that four years ago I stood in the other chamber and I listened to how we had a teacher shortage. You know how we decided to fix it? We lowered the standards. We're going to make it easier to be able to become a teacher. Amazing. Just go to the lowest common denominator. That's how lawmakers fix concerns? I would again admonish people not to make a political decision. This is about fairness. Do teachers deserve a decent pay? You all, every single speaker who has stood up, have said teachers don't get paid enough. You found a way to rationalize continuing to not pay them enough. I was thinking I might go into my doctor the next time and say, 'You know what, you make too much money. I think I'm not going to pay you what you think you are worth.' That is the message you are sending to teachers.

We never voted, except I do remember with the good Senator from York, Senator Nass, having a discussion over the laptops. I was one who stood up and said that if we were not going to put anything on the payment problem, how would we

funding the laptops? Well that was endowment and we never really got a chance to vote laptops up or down. They were just thrown at us. I want to tell you, it's no fun planning a lesson on laptops and that one little port tries to bring up 28 students and three of your computers crash. One kid has a computer that is broken and the other ones have forgotten them and I have no extra laptops. We passed laptops okay.

I suggest that we get through this, we support it, and maybe we come to a compromise. It appears there is one on the horizon. I will tell you as a member of the Teachers' Association, which is a dreaded union, that you would be amazingly surprised at how many members are members of the party that I am not. Bills need to be paid. People go to college because we hear that if you have a college education you will make \$1 million more in the course of your career, unless you are a teacher in Maine because we will continue to pay you less. We know you are worth more, but these are hard times. Having been a teacher for 20 plus years, and it was a second career for me, I have been through good times and bad times. Every time I hear that in good times we really need to spend the money on the buildings and things because when the times were bad we took away money. Of course we also hear that in good times and in bad times we can't afford to pay teachers. I'm just wondering when is teacher salary time? It's not during the good times. It's not during the bad times. You have a chance here to come up with a compromise, but we have to get through this first. I'm about compromise, as think our good leader knows. Thank you very much.

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

Senator **HASTINGS:** Thank you, Madame President and ladies and gentlemen of the Senate. I don't think there is anyone in this chamber that doesn't agree that teacher's salaries, especially beginning teachers, are too low. Everybody does. The real issue, to me, is who is going to pay for this and are we making a mandate, of a much larger sum than we might be suspecting, onto local school boards who might not be able to handle this? What we are going to end up is exactly what the good Senator from York, Senator Andrews, said, the loss of jobs. I did a little inquiry with my superintendents. My superintendents and school boards are not opposed. They are friends of teachers. They would like to see their teachers paid more, probably more than almost anybody in their districts. I asked them, 'Is this what you want? Do you want this bill?' They unanimously told me 'no'. Here's the impact. SAD 61 is one of the hardest hit districts by EPS in this state. Thanks to the good efforts of the Education Committee and the Senator from Kennebec, Senator Mitchell, we got some of that money back. They are still going to be receiving \$250,000 less next year than they received last year from state funding. As a member of a school board, I've negotiated teacher contracts a number of times. I'll tell you exactly the way it goes. You start off with a base and then you have an increment above that. It's all built on a ladder. You negotiate the base and then you negotiate what the increments are going to be, whether it's \$700, \$800, or \$900 between steps. It just flows through. Maybe in the first year the cost to a district is only \$15,000, \$30,000, or \$100,000 to bring those under \$30,000 up to \$30,000. Within a year or two that district is going face negotiations. I can almost guarantee you that the teachers' union, as they rightly should, will start with that \$30,000 number, or something slightly higher, as their base. They will not concede how big the increment should

be in between and they will demand, as their bargaining position, that they move it up to \$30,000 and then keep at least the same increment.

I asked SAD 61 what that would mean to them, if their whole salary scale was moved to a \$30,000 base and kept the same increments in the scale. It is now below \$30,000. It's going to cost them \$599,000. I asked that question of SAD 17 in Oxford Hills. If the same things happened to them and they just increased their base to \$30,000, kept the same increments, and plugged it into the scale it would cost them \$1,300,000. Those school boards, those superintendents, are friends of education, but they are already struggling to have their budgets approved by the local voters because they are exceeding their EPS number and having to ask for more just to fund what they are doing now. If the Lakes Region District has to come up with another \$600,000, perhaps half of that would be funded by the state in our funding, they would have to go to the local voters for this on top of what they are already asking for in excess. In Oxford Hills it's a much larger number, \$650,000. They are extremely concerned that the voters will not allow them to do this. The taxpayers are going to reject their budgets and they are going to have to do exactly what the good Senator from York, Senator Andrews, indicated. They are going to have to do the only thing you can do to reduce a school budget, they are going to have to lay people off.

We are interjecting ourselves into labor negotiations for salary scales that we're not paying for. Paying for it the first year is only the tip of the iceberg. As these contracts come due and they renegotiate, the numbers will be huge, in the multi-millions of dollars. I'm concerned that the backlash of this will end up in teachers being laid off. I have struggled with this too, but I've come to the conclusion that I should vote against this bill for those reasons. 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 find this an extraordinarily difficult issue. On a gut level, I want to do it. Wouldn't most of us? There is no question that teaching is perhaps the most honorable of all of life's endeavors. There is no question that teachers deserve to be well compensated. I am the son of a teacher. My mother taught in the public schools in Washington County for 38 years. I saw first hand the hard work. I can remember her sitting at our kitchen table correcting papers and preparing lesson plans. She worked hard. I know it takes dedication and I know that it takes a special kind of love because she loved the kids that she taught all through her years. She still does and they still love her. I appreciate I think as much as anybody can the tremendous value of teachers. I also appreciate the expression of concern by the good Senator from Kennebec, Senator Mitchell, for rural schools and rural teachers. Yes, this legislation would, over time, result in an increase in the amount of funding that many of our rural school districts would receive under EPS but at a huge cost. Imagine the impact of these step increases up the scale. You are not going to come in and say to a new teacher that you are going to pay them \$30,000 without repercussions all up the scale for teachers who have more experience. Imagine the impact of that on the locally borne share of costs on these school districts, especially in the rural areas. Our taxpayers in these rural areas, by and large, are

lower income and they are already struggling to maintain their schools.

Bear in mind those taxpayers in the Machias area that the Senator from Kennebec, Senator Mitchell, mentioned. They have a median income that is less than half that of Cumberland and York Counties, \$11,000 less than the statewide average. Poverty rates are 60% to 70% higher. They do struggle and they are struggling. They are committed to their schools, but how many places where low-income populations are already struggling to maintain their schools might not be able to meet this new threshold. Do you want to impose school consolidation on the people of rural Maine? Do you want to close down community schools that are the heart and soul of a town? Do you want to exacerbate and inflame the two Maine syndrome? Then this bill is for you because you will accomplish all of that. If your concern is for the teachers in these rural and low-income areas that are struggling, you will not, in the final analysis, help the people you purport to be concerned about because many of them will lose the jobs they love. I cannot support this bill. I do believe it is well intentioned and has honorable intentions, but I believe the consequences of it could be devastating for many of our schools and communities in rural Maine.

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

Senator **SCHNEIDER:** Thank you, Madame President. I had not intended to speak to you, good colleagues, this evening about this bill, but there are some things that have been said that I do feel strongly that need to be discussed further. First of all, I don't believe by supporting this bill that you are also supporting school consolidation. I think that is ridiculous. You are showing your support for educators. When I've gone around throughout my district often times, and these are people who are not teachers, people are asking me why we are not paying teachers more money. Yes, there are going to be financial repercussions, but we're all chipping in. I would submit that if you are that passionate about teachers and teachers' salaries then the next biennium, when we come back here, we should be supporting a bill that will help communities fund educators' salaries more appropriately because I am tired of hearing people talk a lot about supporting educators but then not anteing up.

I remember when I was interviewed by the Maine Teachers' Association. They asked me if I would support a \$30,000 annual starting salary. I said, '\$30,000, I'd support \$40,000.' I would like the State of Maine to kick that in. I do think that if we want good educating people to come forward to go into those professions we have got to start paying for it. Yes, it is going to cost us all. There is no question about it. When people have called me, angry that I would support such a move, I would tell them that it's the most important person in their child's life. They spend more time with the children than the parents do. The teachers and the educators spend more waking hours with children than the parents. These people are crucial to bringing education to our youth. They are crucial to the future success of this state and we have got to stop talking the talk. We've got to walk it and we need to start supporting our educators. This is one step in that direction of doing so. We've got to support it and I think that it is horrible if we don't support it. Thank you very much, Madame President.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to confess to you that I've been sitting here with my mind on something other than teachers' salaries. Listening to the debate, it brings me back 20 years or more when I had gone into that noble profession of teaching. As I listened to the concerns that have been expressed today, the concerns about the cost of paying our teachers, the concerns about loss of our local control, the concerns about what effect it's going to have on our schools, I can't help but think about the importance of education. In the importance of education is the importance of our teachers. We've talked often about education as being a key component to our economic development, as I might suggest transportation is. We have recognized the importance of education in those economic terms, but I would submit to you and ask you to consider education being a cornerstone of our national security. Our form of government, democracy, is, has been, and probably always be under some form of attack by people who don't understand it, by people who want to subvert it, and by people for all kinds of reasons. It is so vulnerable to attack because it is such a complex form of government. One of the reasons why it is complex and fragile is because it relies so heavily on an informed populist, a populist that is able to take in information, to assimilate it, and to make an informed judgment. That just doesn't happen naturally. I submit to you that it happens as much as it does, and in my opinion not as much as it should, because of teachers, perhaps the backbone of our national security.

As I get to thinking about the discussions that we've had just recently on this bill it takes me back, as I said, to the point when I was negotiating for the teachers in my school and then after I left teaching for a couple of years I was actually negotiating for teachers in other schools. It is absolutely correct that the expense that is involved for paying the teacher is difficult to come by. It is curious to me that back then, from the other side of the table, as adversarial sides, we had the side that my good friend and colleague from Oxford, Senator Hastings, may have sat on and the side that I sat on, the management side and the labor side. It was suggested to me, and to my side of the table, that we needed to increase the base pay of those teachers to get them to come to our area of Maine. That side of the table then recognized how important it was to get good young teachers into our schools. The proposal they came up with was not to take those steps that may ranged up to 10 at that point and simply move them all up by raising the base, but it was to raise the base and compress those steps because we couldn't afford all of the money that it cost to bring everybody up with that rising tide. We recognized that it was important to bring good young teachers into our schools. We couldn't do it by taking a pay cut, but we agreed to do it because we agreed to less of a step increase and we agreed to combine steps so that we could afford this. It was a good idea then. It may be a good idea now. Very prophetically, and very correctly, I think that you have made, in many cases, the argument that we can't afford to move that whole scale up. Would that we could, because each one of them deserves it. Realistically, we can't, but there ought to be a way that we can adjust this for these students, those graduates, those dedicated young professionals who want to start on that course that is sparking their interior, their soul, and their heart. We ought to be able to at least pay them a wage that in this day and age is not

unsubstantiated and not out of line. Unfortunately, I think that we recognize too well a teacher's passion, and a teacher's excitement about having that light bulb come on in that student or having that student say to them in later years that they were the reason why they went on to college when the rest of their family didn't, and that they were the reason why they did this or they did that. Those are the reasons, in many cases, that keep us going as teachers. Don't exploit that reward any more. Work to do what we can do to bring that base pay, I believe in two increments, up to the \$30,000 minimum. Let's make that work. I'll be supporting them. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-577). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#455)

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 **MITCHELL** of Kennebec to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)**, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-577) **READ.**

On motion by Senator **MITCHELL** of Kennebec, Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577) **READ.**

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. A very brief explanation. This amendment, if adopted, would move the \$30,000 to \$27,000 for this coming school year. The money is in the budget under the learning assessment. The money is in the budget to pay for the \$27,000 so every district that needs that difference in financing will get it from the state forevermore. In year two it goes to \$30,000. That is the rest of the difference. It is a phased in thing. We can't obviously see into the future, but we have set in the

legislature that it is the intent that the state will continue to fund this piece. I will not draw this out any longer. My sterling oratory didn't change a single vote in this Body, but I do appreciate your letting me speak to you about my passion. I appreciate the heartfelt concerns that those of you who share a different point of view had. I appreciate the level of the debate. I think it's very healthy. I am reminded of the ink blot test where we are all seeing in this what we'd like to see. For my friends who are very concerned about the poor areas of the state and the consolidations, all of this money actually goes into the high receiving communities. It is the thing I spoke to you about that would move up into this, whether it is the EPS formula or the new formula that the Senator from Androscoggin, Senator Nutting, is going to devise. It will be going to those communities to help them get on that playing field so that they can also pay their teachers. The other things I would mention, as we worry about L.D. 1 and property taxes, the state is now committed to paying 55% of the cost of education. I say that it is time for us to say that our values are, as we are paying the 55%, paying our teachers. Maybe some of these superintendents, with all due respect, that were telling you how much it was going to cost them should look at their own salaries because there is a huge discrepancy between superintendent salaries and people making \$23,000. Having said that, I appreciate the kindness of this body in listening to this very serious issue. Wherever you come down, I know that you are all voting in a way that you believe makes most sense. I do encourage the adoption of this amendment.

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

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. Just a point of information, the good Senator from Kennebec, Senator Mitchell, talked about how the state is committed to pay 55% of education. That's not true for every school district, so that needs to be clarified. There are many school districts that do not get 55% of their cost of education paid for. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I will also try to be brief. It's difficult enough to debate the good Senator from Kennebec, Senator Mitchell, but when she brings Frank McCourt into the discussion it makes it even more difficult. I'm going to ask you to oppose this motion as well. The poison is still there, it just comes in more slowly. Parenthetically, the comments made by the good Senator from Kennebec, Senator Mitchell, with respect to 55%, that is 55% of the requirement to meet the Learning Results. We have many districts that spend above that and hopefully they get their money's worth. I think that perhaps they do. Certainly that is the case in my Senate district. Again, I would ask you to oppose the motion that is before us. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to

Adopt Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#456)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MITCHELL** of Kennebec to **ADOPT** Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577), **PREVAILED**.

Committee Amendment "A" (S-577) as Amended by Senate Amendment "A" (S-620) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** 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 (4/12/06) Assigned matter:

Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists"

H.P. 1262 L.D. 1822

Tabled - April 12, 2006, by Senator **DAVIS** of Piscataquis

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-592) AS AMENDED BY SENATE AMENDMENT "A" (S-592)** thereto, in **NON-CONCURRENCE**

(In House, April 7, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-822).**)

(In Senate, April 12, 2006, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-822) AS AMENDED BY SENATE AMENDMENT "A" (S-592)** thereto, in **NON-CONCURRENCE**. On motion by Senator **WESTON** of Waldo, **RECONSIDERED**. On motion by Senator **ROSEN** of Hancock, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-822) as Amended by Senate Amendment "A" (S-592) thereto. On further motion by same Senator, Senate Amendment "B" (S-595) to Committee Amendment "A" (H-822) **READ**. On motion by Senator **GAGNON** of Kennebec, Senate Amendment "B" (S-595) to Committee Amendment "A" (H-822) **INDEFINITELY POSTPONED**.)

On motion by Senator **PLOWMAN** of Penobscot, Senate Amendment "D" (S-622) to Committee Amendment "A" (H-822) **READ** and **ADOPTED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-592) to Committee Amendment "A" (H-822) and **INDEFINITELY POSTPONED** same.

Committee Amendment "A" (H-822) as Amended by Senate Amendment "D" (S-622) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-822) AS AMENDED BY SENATE AMENDMENT "D" (S-622) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR** on Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers

H.P. 1430 L.D. 2032

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-987)** 8 members)

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

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec

Pending - motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, April 14, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 26, 2006, Reports **READ**.)

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

Senator **STRIMLING:** Thank you, Madame President. Just in reference to this item, I just want to let people know what this bill does. All it does is asks the departments of state government to take a look over the next five years at how we could pay people who we employ a livable wage. We have had lots of discussions in this building about asking others to take a look at how they should pay a livable wage and we felt it appropriate that we step forward and say that maybe we should be taking a look at how we could get there. It doesn't mandate any new additional costs. It doesn't require anybody to put anything in place except to come up with a plan for how we could do it over the next five years. Madame President, I request people support this motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#457)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reform the Income Tax for Middle-income and Lower-income Families"

S.P. 586 L.D. 1605

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-618)** (5 members)

Tabled - April 26, 2006, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 26, 2006, Reports **READ**.)

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

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

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I wanted to take just a moment to explain my vote that will be upcoming. Some of you may find it odd that I am on the Ought to Pass report. However, at this time I plan on voting against that report. A year ago I was bitterly disappointed when we never got a chance to debate L.D. 1595, the comprehensive tax package we voted out in committee, here in the Senate. It never made it to this end of the hall. It came within a whisker of passing in the other Body. I looked at this bill and very much looked forward to a vigorous debate on this item when we voted on L.D. 1605. Today, I no longer am that enthused with a vigorous debate. That is why I will be changing my vote.

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

Senator **STRIMLING:** Thank you, Madame President. Well, I am always ready for a vigorous debate, Madame President, especially when we're talking about taxes in the state of Maine. I do urge my colleagues to support the minority report and I am ready to vote on it as I voted on it in the committee. We often talk in this Body, ad nauseam, about tax reform. We talk about taxes in the state of Maine that are too high. Often one of those areas that we talk about is the income tax. What you will be voting on today, and make no mistake, is a reduction in the income taxes for virtually every Mainer who lives in this state. We are talking about reducing the income tax rates for middle income folks by raising up the level to which people reach the top rate. Everybody talks about how it is crazy. You reach 8.5% in the state of Maine when you are at \$16,500 as an individual. I think everybody here would agree that this is crazy. That's too low. What this does is raises it up. For a family it will raise it up from the mid 20s into the 30s. For a head of household and for a family it raises from the 30s up to 50. The way that we pay for this is that we broaden the sales tax to the tourist industries, to amusements, and to the stuff that is used by people who are coming in from out-of-state. We all recognize that this is the best way to set up our tax policy. Let's get the folks who are coming from away and have them help support Mainers here and reduce their taxes. We raise the sales tax, the meals and lodging tax, because that gets tourists as well. What your vote today is for, ladies and gentlemen, is to reduce taxes on Maine people and to increase taxes on those from away. If you are one of those people who has gone door-to-door in this state and has said that

you are going to go to the legislature to reform our tax structure, that you are going to go to the legislature to reduce income taxes, this is the bill for you. This is the vote for you. Thank you, Madame President.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I find it somewhat awkward to rise to speak against the previous two speakers this afternoon. However, I have a problem with this particular piece of legislation. While I agree that we should change the rates, which we start way too early, I think the payment method on this particular piece of legislation causes me concern. While the previous speaker, the good Senator from Cumberland, Senator Strimling, is correct and some of it will be paid for by tourists. The last statistics that this Body received back in either January or February indicated that 37% of our sales tax was paid for by tourism and that the remaining was paid for by residents of the state of Maine. If that holds true a majority of the increases that we are talking about when we put it on amusements and on tourism would go to those of us in the state of Maine. I would strongly urge this Body to defeat this and I would further urge that those members of the Taxation Committee who return in the 123rd legislature take a long hard look at the State of Maine tax policy and that when they come forward with a proposal that it be done not in the last two or three days or the last week of a legislative session. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#458)

YEAS: Senators: BRENNAN, DAMON, NUTTING, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

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

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency

Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management

S.P. 694 L.D. 1777
(C "A" S-545)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 3, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545).**)

(In House, April 6, 2006, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-545).

On further motion by same Senator, Senate Amendment "A" (S-623) to Committee Amendment "A" (S-545) **READ** and **ADOPTED.**

Committee Amendment "A" (S-545) as Amended by Senate Amendment "A" (S-623) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545) AS AMENDED BY SENATE AMENDMENT "A" (S-623) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Safeguard Maine's Highways"
H.P. 1347 L.D. 1906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1041).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1041).**

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

READ ONCE.

Committee Amendment "A" (H-1041) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities"

H.P. 1235 L.D. 1727

In House, April 7, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-923).**

In Senate, April 10, 2006, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator **GAGNON** of Kennebec, the Senate **ADHERED.**

Non-Concurrent Matter

Resolve, To Establish the Work Group to Review and Recommend Improvements for the Certificate of Need Program
H.P. 1254 L.D. 1814

In House, April 14, 2006, **FINALLY PASSED**.

In Senate, April 26, 2006, on motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **GAGNON** of Kennebec, the Senate **ADHERED**.

Non-Concurrent Matter

Resolve, To Ensure Financial Management at the Department of Health and Human Services

S.P. 748 L.D. 1949

In House, April 14, 2006, **FINALLY PASSED**.

In Senate, April 26, 2006, on motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **GAGNON** of Kennebec, the Senate **ADHERED**.

Non-Concurrent Matter

JOINT STUDY ORDER - relative to Establishing the Commission To Study Access to Birth Certificates and Medical Records for Adult Adoptees

H.P. 1502

In House, April 14, 2006, **READ** and **PASSED**.

In Senate, April 26, 2006, on motion by Senator **GAGNON** of Kennebec, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **GAGNON** of Kennebec, the Senate **ADHERED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Businesses from Unnecessary Eminent Domain Takings" (EMERGENCY)

H.P. 1345 L.D. 1904

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

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
FAIRCLOTH of Bangor
CANAVAN of Waterville
GERZOFISKY of Brunswick
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
CARR of Lincoln
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1046)**.

Signed:

Representative:

BRYANT-DESCHENES of Turner

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

Reports **READ**.

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, April 27, 2006, at 10:00 in the morning.