

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

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

Pages 1382 - 2139

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

In Senate Chamber  
Monday  
May 22, 2006

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

Prayer by Senator Debra D. Plowman of Penobscot County.

**SENATOR PLOWMAN:** Good morning. I'm going to read from Psalms 121.

The Lord, our Guardian, I lift up my eyes towards to mountains. Whence shall help come to me? My help is from the Lord who made heaven and earth. May He not suffer your foot to slip, may He slumber not who guards you. Indeed, He neither slumbers nor sleeps, that Guardian of Israel. The Lord is your guardian. The Lord is your shade. He is beside you at your right hand. The sun shall not harm you by day, nor the moon by night. The Lord will guard you from all evil. He will guard your life. The Lord will guard your coming and your going, both now and forever.

In Genesis there is one line that will apply to us this week. 'After God had worked for six days, God looked at everything He had made and He found it very good.'

Dear Lord, at the end of this week, when we have done our labor, may You look at what we have done and find it to be very good. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of Piscataquis County.

Doctor of the day, Rod Chelberg, M.D. of Hermon.

Reading of the Journal of Friday, April 28, 2006.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

H.P. 706 L.D. 1021  
(C "B" H-1007)

In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) AS AMENDED BY HOUSE AMENDMENT "A" (H-1028)** thereto, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: S.C. 667

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

April 28, 2006

The Honorable Beth Edmonds  
President of the Senate  
The Honorable John Richardson  
Speaker of the House of Representatives  
122<sup>nd</sup> Legislature  
State House  
Augusta, ME 04333

Dear Madam President and Mr. Speaker,

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the State Board of Education under the State Government Evaluation Act. In its review, the Committee found that the State Board is operating within its statutory authority.

Sincerely,

S/ Senator Elizabeth H. Mitchell  
Senate Chair

S/ Representative Jacqueline R. Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 668

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

April 28, 2006

The Honorable Beth Edmonds  
President of the Senate  
The Honorable John Richardson  
Speaker of the House of Representatives  
122<sup>nd</sup> Legislature  
State House  
Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Telecommunications Relay Services Advisory Council under the State Government Evaluation Act. In its review, the Committee found that the Advisory Council is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth H. Mitchell  
Senate Chair

S/ Representative Jacqueline R. Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

**Joint Order**

Expression of Legislative Sentiment recognizing:

Donald Suitter, of Chelsea, Director of Capitol Security, Department of Public Safety, on his retirement after 38 years serving as a security officer for the state government. Chief Suitter went to work for the Bureau of Public Improvements in 1968 after serving in the United States Army as a Tank Commander of a Tank Platoon from 1966 to 1968. He was promoted to Capitol Security Police Sergeant in 1978 and has served as chief since 1980. He has shown exemplary leadership over the years. Chief Suitter has proven to be an individual of the utmost integrity, loyalty and commitment to the safety and general welfare of the people of Maine. We acknowledge his dedicated service to the State of Maine and we will miss his leadership and unflinching support for the citizens who sometimes call the Capitol their second home. We send Chief Suitter our congratulations and best wishes on his retirement;

SLS 1135

Sponsored by Senator DIAMOND of Cumberland.  
Cosponsored by Senators: GAGNON of Kennebec, COWGER of Kennebec, President EDMONDS of Cumberland, BRENNAN of Cumberland, DAVIS of Piscataquis, WESTON of Waldo, CLUKEY of Aroostook, NUTTING of Androscoggin,  
Representatives: MILLER of Somerville, Speaker RICHARDSON of Brunswick, CUMMINGS of Portland, DUPLESSIE of Westbrook, BOWLES of Sanford, TARDY of Newport, BLANCHETTE of Bangor, CHURCHILL of Washburn, DAVIS of Augusta, GERZOFISKY of Brunswick, GREELEY of Levant, GROSE of Woolwich, HANLEY of Gardiner, PARADIS of Frenchville, PLUMMER of Windham, SYKES of Harrison.

**READ.**

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

Senator **DIAMOND:** Thank you, Madame President. Just very briefly. I've known Donny Suitter since he was in the first grade at the West Gardiner Consolidated Grammar School. I can tell you that he hasn't changed, in appearance yes, that way he looks at the world since he was in first grade. We went to grammar school for eight years, it was an eight year grammar school by the way, and then to high school. Donny was always looking out for other people, as we all know from his character. He's always been the quiet, competent kind of leader. I just wanted to get up for a second and say congratulations after 38 years. Knowing Donny, I expect he's probably going to go on and help somebody else in some other field. Congratulations, Donny.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. Although I haven't known Chief Suitter since he was in first grade, I have known him for about four years as I've Chaired the Facility Committee for the Council. I've also had some experience in the security area and I will tell you that it's a very difficult line that the Chief has had to walk having a police background and knowing that this building could potentially have a lot of problems and a lot of issues. Chief Suitter has been able to walk that line very carefully. He's hired some good people and he's made some very good decisions, some of which he had to make very quickly on how to handle certain situations. He certainly has my utmost respect and I congratulate him also on his retirement. Thank you.

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

Senator **DAVIS:** Thank you, Madame President. Perhaps Chief Suitter hasn't changed but I see the good Senator from Cumberland, Senator Diamond, has changed a little bit. His facial appearance has changed a bit. As a retired State Police officer and having gone through a little bit of what Chief Suitter has, although I can't imagine being the Chief of Police in this building and trying to take care of all the whims and needs of all the politicians that are here. I wish you well, Chief, and Godspeed. Congratulations.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Donald Switter of Chelsea, who is retiring as Director of Capitol Security, Department of Public Safety. Would he please rise and receive the greetings of the Maine Senate.

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**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Staff Sergeant Dale James Kelly, Jr., of Richmond, for his heroism in defending the freedom of all Americans. Staff Sergeant Kelly, a member of the Maine Army National Guard's 172nd Infantry, B Company, 3rd Battalion, served his country bravely for 18 years. He was killed by a roadside bomb while serving in Iraq. Staff Sergeant Kelly leaves behind his wife, Nancy, to whom he was married for 25 years, and 3 grown children. He worked in management positions at Bath Iron Works for 17 years. We acknowledge his dedicated service, and we recognize the ultimate sacrifice he made for his country. He will be greatly missed and long remembered by his loving family, his friends and his grateful State and Nation;

SLS 1160

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative: HUTTON of Bowdoinham.

**READ.**

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. While I did not know Staff Sergeant Kelly I do know a lot of people that he impacted, both in the town of Richmond and at Bath Iron Works. He will be greatly missed, not only by his family but by many people in both of those areas. Madame President, when we adjourn today, I would hope that we would do so in his memory. Thank you.

**ADOPTED.**

Sent down for concurrence.

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**HELD MATTER**

Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006" (EMERGENCY)

H.P. 1382 L.D. 1974  
(H "B" H-1054, S "A" S-635,  
S "B" S-641, S "C" S-646;  
S "D" S-650 to  
C "B" H-1037)

(In House, April 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1053) AND "B" (H-1054)** thereto.)

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES.**

Same Senator moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE.**

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/21/06) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Connect the BETR Program with Job Retention"  
H.P. 755 L.D. 1102

Report A - **Ought to Pass as Amended by Committee Amendment "B" (H-755)** (6 members)

Report B - **Ought Not to Pass** (6 members)

Tabled - March 21, 2006, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in **NON-CONCURRENCE**

(In House, March 16, 2006, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, March 21, 2006, Reports **READ**.)

Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

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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.

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#### ORDERS OF THE DAY

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

Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006" (EMERGENCY)

H.P. 1382 L.D. 1974  
(H "B" H-1054, S "A" S-635,  
S "B" S-641, S "C" S-646;  
S "D" S-650 to C "B" H-1037)

Tabled - May 22, 2006, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE**

(In House, April 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1053) AND "B" (H-1054)** thereto.)

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE**.)

(In Senate, May 22, 2006, on motion by Senator **MARTIN** of Aroostook, **RULES SUSPENDED** for the purpose of **RECONSIDERATION**.)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

#### ENACTORS

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

#### Act

An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government

S.P. 658 L.D. 1741  
(H "C" H-1081 to  
C "A" S-543)

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

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

**SENATE PAPERS**

Bill "An Act To Amend the Boundaries between the City of Saco and The Town of Old Orchard Beach" (EMERGENCY)  
S.P. 861 L.D. 2115

Sponsored by Senator **HOBBS** of York.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.  
Under suspension of the rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

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

**SENATE PAPERS**

Bill "An Act To Provide Protection for Victims of Domestic Violence"  
S.P. 860 L.D. 2116

Sponsored by Senator **STRIMLING** of Cumberland.  
Cosponsored by Representative **SIMPSON** of Auburn.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Under suspension of the rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

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

**SENATE PAPERS**

Bill "An Act To Amend the Charter of the Starboard Water District" (EMERGENCY)

S.P. 862 L.D. 2117

Sponsored by Senator **RAYE** of Washington.  
Cosponsored by Representative **EMERY** of Cutler.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

Under suspension of the rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

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

**ORDERS**

**Joint Resolution**

On motion by Senator **STRIMLING** of Cumberland (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:  
S.P. 863

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SHIFT FUNDING PRIORITIES AND SUPPORT THE EQUITABLE DISBURSEMENT OF HOMELAND SECURITY FUNDS AS OUTLINED IN UNITED STATES SENATE BILL 21, SPONSORED BY SENATOR SUSAN COLLINS, IN ORDER TO ENSURE THAT ALL STATES EFFECTIVELY CONTRIBUTE TO OUR NATIONAL SECURITY GOALS AND EMERGENCY PREPAREDNESS**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Congress and the President of the United States as follows:

WHEREAS, the success of our Nation's homeland security response strategy relies on the success of our cohesive federal, state and local prevention and response efforts; and

WHEREAS, the State of Maine's homeland security and emergency preparedness funding has dropped from \$35,000,000 in 2004 to a projected \$16,000,000 in 2006; and

WHEREAS, a baseline level of funding is necessary for every state and territory to effectively support emergency management, federal, state and local law enforcement and first responders in the continuation of their rigorous efforts to protect our citizens from security threats and vulnerabilities with respect to our ports, borders, agricultural food production and supply, water supply, fuel supply and computer systems; and

WHEREAS, every state and territory needs flexibility to address its unique local or regional needs, while working cooperatively to achieve national preparedness goals, and Congress has the responsibility to ensure that all states and territories have the tools necessary to make their own individual contributions to our collective national security; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress shift spending priorities and enact Senate Bill 21, the Homeland Security Grant Enhancement Act of 2005, sponsored by Senator Susan Collins, to provide each state with its fair and reasonable share of homeland security funding as well as public health bioterrorism grant funding, to establish essential capabilities to prevent and respond to a terrorist attack; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Maine Congressional Delegation.

**READ.**

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

Senator **STRIMLING:** Thank you, Madame President. This Joint Resolution came out of the Task Force that was taking a look at our Homeland Security needs in the state of Maine. A few issues came up. Obviously we put forward a number of pieces of legislation which were passed by this Body unanimously and one final piece that came out, our final recommendation, was taking a look at some of the funding that we have received in the state of Maine and how that funding has decreased. This resolution, by the way, came out of our committee unanimously. The issue in terms of how funding has decreased, we received at the pinnacle of the amount of money that we have received from the federal government on Homeland Security around \$36 million. We are projected to be down to around \$15 million next year. It is a dramatic drop and it's too much of a drop. The entire Task Force, in our hearings all across the state, realized that it was very important that we try to petition the federal government to shift its funding priorities to provide more money for Homeland Security needs and emergency preparedness, especially in Maine. We recognize there are a lot of things that are pulling them in many ways, but we very much need funds here to be able to protect our people. I think that we saw in York County just recently how vital

these funds are and how much money we're going to be able to put down there and how quickly.

The second part of this resolution, which is equally important, is regarding Senator Susan Collins. I start out by saying that Senator Collins' office was phenomenal in their support our Task Force. Their office came to every one of our hearings, offered assistance of their staff, and offered federal testimony to tell us what was going on. She also has legislation down in Congress, which is Senate Bill 721. That bill creates a new distribution formula for how Homeland Security funds should be distributed around the country. Our Task Force looked very closely at this and realized that this was a vital piece of legislation that would certainly help Maine. We recognize Homeland Security funds must go to those areas that have the highest risk. We are not saying that we need to receive the same amount of money as New York City, Chicago, or L.A. We are also saying that every state must get a basic level of funding to meet their needs. We believe when we were at the point of about \$35 million to \$36 million that was the place where we need to be just for three or four years. Once we're done with that, obviously, we could come down in order to build our infrastructure. This resolution, Madame President, is really to petition our federal government to get more funding to Maine so we can provide for our people and protect them from natural disasters and from terrorist strikes. It is also to support Senator Susan Collins' legislation formally, on the record, to the U.S. Congress to please pass this legislation and create a better distribution formula so places like Maine can get what they need. Thank you, Madame President.

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

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. I also served on the Task Force on Maine's Homeland Security needs and to demonstrate the total non-partisan manner in which we acted and agreed all the way, I have to say today that I agree with every word my good friend from Cumberland, Senator Strimling, just said and I'm not sure I've ever done that in the past. He is absolutely right and the committee met in the spirit of non-partisanship and with the good Senator from Cumberland, Senator Strimling's leadership we acted that way. He's absolutely right. Senator Collins was a huge aide to us. She is absolutely right with her Senate Bill 721 to more equitably distribute Homeland Security funds to Maine. Rural states do need more. There is a baseline that has to be met and I encourage us all to adopt this resolution. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Adopt the Joint Resolution. 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 (#482)**

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

NAYS: Senators: None

ABSENT: Senators: MILLS, TURNER

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being absent, the motion by Senator **STRIMLING** of Cumberland to **ADOPT** the Joint Resolution, **PREVAILED**.

Sent down for concurrence.

WHEREAS, responding to the need to educate people about this very prevalent hereditary and misdiagnosed disorder, the organizations devoted to bringing attention to this disease have instituted a month-long awareness campaign to take place throughout the nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize that May is Alpha-1 Awareness Month in the State of Maine and to encourage the public and the medical community to be more aware of this disorder; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Lung Association of Maine and the Maine Alpha-1 Support Group.

**READ and ADOPTED.**

Sent down for concurrence.

**ORDERS**

**Joint Resolution**

Out of order and under suspension of the Rules, on motion by Senator **HOBBS** of York (Cosponsored by Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, DAMON of Hancock, DIAMOND of Cumberland, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, STRIMLING of Cumberland), the following Joint Resolution:

S.P. 857

**JOINT RESOLUTION RECOGNIZING MAY AS ALPHA-1 AWARENESS MONTH**

WHEREAS, Alpha-1 Antitrypsin Deficiency, also known as AAT Deficiency or Alpha-1, is one of the most common serious genetic disorders in the world and can result in life-threatening liver disease in children and adults or in lung disease in adults; and

WHEREAS, Alpha-1 is one of the 3 most common lethal genetic diseases among adult Caucasians, although the gene is carried by all races, affecting one per 3,000 to 5,000 individuals. Severe Alpha-1 affects an estimated 100,000 Americans, and approximately 25,000,000 people in the United States carry at least one deficient gene; and

WHEREAS, Alpha-1 is widely under-diagnosed, and currently less than 10% of those predicted to have Alpha-1 have been diagnosed. Although it often takes an average of 5 doctors and 7 years from the time symptoms begin before proper diagnosis is made, a simple blood test can detect the disease; and

The Chair noted the absence of the Senator from Cumberland, Senator **TURNER** and further excused the same Senator from today's Roll Call votes.

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 (4/28/06) Assigned matter:

Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"

H.P. 1483 L.D. 2091

Tabled - April 28, 2006, by Senator **BROMLEY** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In House, April 14, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026).**)

(In Senate, April 27, 2006, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**)

(In House, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026) AS AMENDED BY HOUSE AMENDMENT "A" (H-1065)** thereto, in **NON-CONCURRENCE.**)

Senator **BROMLEY** of Cumberland moved the Senate **INSIST**.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. The argument against this is the same as I brought forward the initial time, which is that Pine Tree Zones were fashioned originally to move economic development to rural areas and areas that had little of it. Since we first debated this issue we have moved to repeal prospectively the Business Equipment Tax and I would hope that this move might do what the residents of this community hope that this Pine Tree Zone would do. Again note that a Pine Tree Zone in Cumberland County is a very provocative notion and needs, I think, a very full debate and this bill didn't have that. I hope you will join me in supporting the pending motion.

Same Senator requested a Division.

Senator **BARTLETT** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

Senator **BARTLETT:** Thank you, Madame President. I will do my best to speak clearly and ask the Senate's indulgence with me. This bill is aimed at dealing with a common problem that we are trying to deal with throughout Maine, which is a mill closing down. In Westbrook the SAPI Mill has shed almost all of its jobs. It's down to a total of 350 jobs. The vast majority of this industrial site remains unused. Efforts have been made to bring businesses in. We've been unable to accomplish that. It is important to understand what has been lost with this mill closing. We're talking about quality, high paying jobs with good benefits. Although many people say that we don't have any problem in Cumberland County with unemployment, we do have a serious problem with quality jobs. The jobs that have come in to replace those like we've lost at SAPI do not pay nearly as well, do not have the benefits, and do not provide a place our engineers and our manufacturing-type workers. Indeed, I've talked to too many families who have lived in Westbrook, Gorham, Windham, Standish, and Buxton who have lived in Maine for generations. Unfortunately, as this mill has been shutting down, they are forced to leave the state and go elsewhere. What this is aimed at is trying to do what we do throughout the state when a mill is closing down. That is to provide some incentives to try to get things back on track. Again, this is over 300 acres in Westbrook that is an industrial site. There are all sorts of costs that come with it as a result of that. Therefore, these benefits are needed. If they weren't the site would already be used, would already be functioning. It's also important to recognize that by providing these benefits we can make this site very attractive, not only on a New England scale but a national scale, to bring in jobs.

What the other Body did with their amendment was to make sure there would be no competition within the state. When I first heard that there was some controversy or concern about this bill I pulled together a meeting with anyone who was interested, any one who had expressed concern. The major concern that we were hearing was the concern that this might be used to recruit a major employer out of Portland. This amendment resolves that.

They will not be competing with any other jobs in the state of Maine. It simply will provide an opportunity for benefits for companies with zero employment base in Maine, for companies that are coming from outside of Maine. It's important to recognize that this bill is about job. It's about quality jobs that will provide good pay and benefits. It is desperately needed in our area because the class of workers who were working and making good money at this mill have had great difficulty in finding other employment in the state of Maine. For that reason I would urge you to support this. One final comment, as I mentioned, when there were concerns raised, we had an opportunity to try to pull everybody together and ask what their concerns were. The primary one that was raised was the competition with Portland. We have resolved that through the amendment and I would ask for your support in passing this bill.

The Chair ordered a Division.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bartlett to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#483)

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

NAYS: Senators: ANDREWS, BROMLEY, DAMON, DAVIS, MARTIN, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, WESTON, WOODCOCK

ABSENT: Senator: MILLS

EXCUSED: Senator: TURNER

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **BARTLETT** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (4/28/06) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Hospital and Health Care Provider Cooperation Act"

S.P. 852 L.D. 2110

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-654)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - April 28, 2006, by Senator **SULLIVAN** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 28, 2006, Reports **READ**.)

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

**READ ONCE**.

Committee Amendment "A" (S-654) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

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On motion by Senator **BRENNAN** of Cumberland,  
**RECESSED** until 5:45 in the evening.

After Recess

Senate called to order by the President.

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#### ORDERS OF THE DAY

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

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

H.P. 706 L.D. 1021  
(C "B" H-1007)

Tabled - May 22, 2006, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**, in concurrence.)

(In House, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) AS AMENDED BY HOUSE AMENDMENT "A" (H-1028)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "B" (H-1007)**.

House Amendment "A" (H-1028) to Committee Amendment "B" (H-1007) **READ**.

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-1028) to Committee Amendment "B" (H-1007), 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#484)

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

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

ABSENT: Senator: MILLS

EXCUSED: Senator: TURNER

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** House Amendment "A" (H-1028) to Committee Amendment "B" (H-1007), in **NON-CONCURRENCE, PREVAILED**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "G" (S-660) to Committee Amendment "B" (H-1007) **READ**.

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

Senator **MARTIN:** Thank you, Madame President. Before we left for the recess there was a great deal of concern expressed about the original bill as amended by both the Committee Amendment and the House Amendment to that Committee Amendment. A group of people, some of the firefighters and some of the police, came together to work out what you have in front of you. It accomplishes a number of things. First of all it lowers the cost. Second, it sets an amount of time because there was a concern that someone who had been brought into the department at age 20 and could potentially retire at 45 and be on the system for a long time. What this amendment does is says that the program will begin at age 50. One of the other issues that was raised was the issue of retirees because when retirees come on they could technically come in within a year. Assuming that they are 50 years old, they could potentially have benefits for 15 years. To some degree, that lent into the issue of what happens to a young person who goes into the force and pays in for 25 years and yet you now have a person who's paid in and could draw 15 years. There were some people who felt that this was a disparity.

What has been created here is three classes so that you would have a class of 50 - 55 retirees, 50 - 55, and 55 - 60. Those people, when they come in to buy in, would buy in at a different rate. If you had to buy in for five years if you were at 55, you would pay less than someone who is going to be getting 15 years of the insurance coverage. That's basically what this does. For those who voted for House Amendment A, that first year General Fund cost was \$3.4 million. This amendment lowers that to \$1.3 million. Then in the year 2008 - 2009, that cost will be about \$3 million and will continue about that level.

I think everyone feels that this is a fair compromise and I think it is one that will work well. I refuse to take the credit for it. It really was the work of the firemen and the police who got together, who came forth, and worked to this stage. I want to congratulate them for what they've done. It is something that we owe them and I am firmly convinced that it is the right thing to do.

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. I would like to pose a question through the Chair.

**THE PRESIDENT:** The Senator may pose her question.

Senator **ANDREWS:** Thank you, Madame President. I would like to understand the reason why it's exempting this from the General Fund Appropriation Limitation, please.

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

Senator **MARTIN:** Thank you, Madame President. This is a really simple answer. It is simply that in the future it will never be

questioned as to whether or not they are entitled to that retirement because I felt so strongly that regardless of what happens in the future of state government and of the state budget that they ought not to be at the whim of L.D. 1.

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

Senator **HASTINGS:** Thank you, Madame President. At first blush it is really difficult to stand up and speak against this bill. I would love to see every person covered, every retiree covered, but we still have to deal with the financial realities of our budget. Are we doing that? The good Senator from Aroostook, Senator Martin, would indicate that we reduced the cost here. We really haven't reduced the cost. We've taken one year, and looking at the fiscal note for this bill, it estimates there is going to be a one year surge of payments from retirees who are just coming into the program that will cover only a portion of the subsidy for one year. Thereafter, it will balloon right back up to the \$3 million, \$4 million, and who knows where it will go from there. We have to sit here and say we are committing ourselves to another \$3 million or \$4 million per year and I think that's something we should all acknowledge.

I think another thing we have to acknowledge is that there is an unfunded liability that goes with this bill. I understand the Controller has worked on this and an estimated a number as high as \$100 million. We've been talking about the unfunded liability a lot the last couple of years. Sure it's not as big as the \$3 billion unfunded liability for our pension plan or the \$1.2 billion on the teacher retirement plan, but \$100 million is still a lot of money to me. We have not proposed any way to pay for that unfunded liability except that it will have to be added on, if it's a pay-as-you-go thing. It's a problem we will have passed on to future legislatures.

If we don't have the money to pay for this, and I don't think we do, I don't think we should start down this road. If we do we're going to create one more problem for our children. They will have to deal with this in the future. If we're going to pay for something we should pay for it now. We should assess the cost for what it really is today, decide what that number is, and decide if we can afford to pay that number now. If we can't do that, we have to say it's a program we can't move forward with. To take this out of L.D. 1, to me, is no different than any other new program that this legislature may wish to undertake. It's another new program. I don't know how we can justify exempting this new program from L.D. 1 as opposed to any other new program. Are we heading down that road where all new programs will be exempt from L.D. 1 because they deserve to be there? I don't think that's the way to go. I don't think that's what the voters asked us to do with L.D. 1 and I certainly think we should all object to that type of approach for any new program. I urge that we do not pass the motion before us. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I am really amazed by the good Senator from Oxford, Senator Hastings, because the amendment that we just voted to kill but that the good Senator voted for would cost \$7.2 million for the next biennium. My amendment is \$4.4 million. I

would suggest that my amendment costs less than what the good Senator just voted for.

Furthermore, I would simply add that the figures to which the Controller was referring to is the original bill and not the amendment before us. It's a different animal, completely. I understand if people want to vote against it because it's a new program. I understand that, but you should not vote against this amendment because it's going to bankrupt the state.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. I'll try to cover new ground and not be too repetitive. I think compliments are in order. It does lower the cost, but it does not lower the cost enough to make it affordable. While we're talking about the costs that we see in these proposals that are in the fiscal notes, these are minor. This is a minor issue. Whether it's this year or next year, the \$3 million or \$4 million costs are insignificant compared to the cost that we're going to pay for not properly funding these kinds of benefits. The problem that the Senator from Aroostook, Senator Martin, at least recognized is that we don't know what those are going to cost us. In the original proposal the Controller weighed in with a \$100 million plus unfunded liability. A term we ought to be familiar with. It's hard to understand, but they weighted down, like an anchor around our neck. These unfunded liabilities will cause to be able to do less in the future for our citizens because we try to do more now and unwilling to pay for it. It was \$100 million on the original proposal. We're sitting here today ready to vote for this thing and we don't even know what the unfunded liability is on this proposal. It is big. It may not be \$100 million. What if it's only \$40 million? Is that something we're willing to without even knowing what it is? That work has not been done on this bill. This is hastily put together, not by virtue of the effort that's been put into this, but by virtue of the results that are in front of us. Nobody is facing up to the real cost of this. We know what those are. We have them in the unfunded liability for the same reason, giving away benefits and not putting aside the money to pay for them. We have a large unfunded liability, \$1.5 billion, for the state employee's health insurance, retiree health insurance, and teacher retiree health insurance. These are huge. How does it manifest itself now, because we've had some experience with this and paying this back? The people got so upset with our unfunded liability in the pensions that they changed the Constitution to force us to face up to that responsibility. How does it manifest itself now? Look at the budget. When it comes time to pay back for that pension, that unfunded liability, we, the state, are paying about 20% to 21% of the employee's salary for our share of this unfunded liability. The employee pays 6.5% to 6.6%. Everybody else out there in the private sector pays about that. The employer about 6.5% and the employee about the same. We are paying, because of our past mistakes, 21.5% of wages to pay on a constitutionally established amortization plan to pay off our past mistakes. We're about to start another one today. Who is responsible for that? I suggest that we are and we should not vote for this. It should be voted down. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I won't prolong this for very long except to say that I recognize that there may be lots of questions. Let's be clear about what question is absolutely being answered today. The question that is being answered today is that we are taking care of people who need to be taken care of. We are stepping forward and saying we are going to take care of those who have taken care of us; the people who have saved us from fires and the people who have been there in our times of need. They have asked us for help and we are stepping up to help them. That, I believe, is the most important piece of what we are doing today. We must vote for this. These people have been there for us everyday, every minute, every hour of our lives. They will be there until the end. For us to be unwilling to step up and offer this minor piece to say thank you, to recognize their service, would be a travesty, Madame President.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I just want to respectfully disagree with the good Senator from Cumberland when he says this proposal in front of us does, in fact, deliver on a benefit that is sustainable and that will go on in the future. It is poorly designed and it clearly is not sustainable. I'm going to ask the members of this chamber to look at the design of this and to reject it. We have the history, as the good Senator from York, Senator Nass, indicated, as to what these types of promises, which we have made in the past without the ability to fund and to fulfill the obligation, have produced. This is not designed in a way that will be intelligently sustainable in the long run. It is a major expansion to an entirely new class of municipal employees. We're moving now from the state contribution to retirees in the education end of municipal employees to this move, which is clearly is intended to be expanded upon in the future and there is no policy rational to deny that expansion in the future. The base is being laid today and the foundation has to be fiscally sustainable because there will be no retreating. We all know that. Future legislators and legislatures will be obligated to fulfill and to expand this promise.

These are municipal employees that have retired from long and loyal service, yet I don't see anything in this proposal that asks anything from their employer, the municipality. Where are they? There is a contribution from the employee. There is an obligation and a promise in this going on from the taxpayer into the General Fund. Where is the employer, the entity that has benefited on behalf of the community for that 20 or 25 or 30 years of service? They are not in the mix.

Finally, the idea of exempting this from L.D. 1. For the very legislature that came in two years ago, the first order of business was to adopt the spending limitations of L.D. 1, to leave now at the end of the two year session and obligate future legislatures to a brand new benefit and say they will exempt it from the spending limitation requirements in L.D. 1. What is the message that this sends to the counties, to the municipalities, and the school districts that we have asked to live under the requirements of the spending limitations of L.D. 1?

I urge you to reject this measure.

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

Senator **MARTIN**: Thank you, Madame President. Just a few things to make corrections on. Let's not forget that when the teachers were brought into the system there was no pay-in. They were brought in at zero. The benefits started there. Second, I think we also ought to remember that the public servants really in this state, the state employees, State Police, game wardens, and etcetera, are getting the benefits from the time they retire. We are setting this system up totally different and they are paying for part of those costs. If we had done that with others we would not be where we are. This is a totally different issue. In addition to that, the pay-in, that 2.5% that employees will start paying, will automatically increase. Obviously the cost of health care will be going up, but so will their salaries. They will be paying in every single year throughout their entire employment. If someone works for 25 years they will have been paying at that rate for 25 years and not collecting. That's going to be available. If we can run it that way, not like Social Security, then we can accomplish that goal. I don't feel uncomfortable at all.

The argument might be that it's a new program. Yes, it is. It's interesting that there is a bill that will be forthcoming shortly that provides healthcare for legislators and former legislators. Some of you may have seen the amendment I've prepared. It will provide that any citizen of Maine can come into the state health plan. If we can give it to legislators we ought to make it available for Maine citizens. The movement, I think, is to provide healthcare to Maine people and this is a step in that direction. I feel proud to be able to do it.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Adopt Senate Amendment "G" (S-660) to Committee Amendment "B" (H-1007). 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 (#485)**

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

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

ABSENT: Senator: MILLS

EXCUSED: Senator: TURNER

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **MARTIN** of Aroostook to **ADOPT** Senate Amendment "G" (S-660) to Committee Amendment "B" (H-1007), **PREVAILED**.

Committee Amendment "B" (H-1007) as Amended by Senate Amendment "G" (S-660) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) AS AMENDED BY SENATE AMENDMENT "G" (S-660)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

**ENACTORS**

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

**Act**

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

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

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

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

Senator **BARTLETT**: Thank you, Madame President. In light of recent opinion issued by the Attorney General of the State of Maine that indicated that there were potential mandate issues as well as constitutional issues, I just wanted to pose a question through the Chair for anyone who may wish to answer.

**THE PRESIDENT**: The Senator may pose his question.

Senator **BARTLETT**: Thank you, Madame President. If local elected officials refuse to schedule an election within the 75 day period window provided in this law, an election that could otherwise be lawfully conducted, would that refusal be considered unreasonable? I ask that question because the specific term in 30A, MRSA Section 2521, Subsection 4, which indicates that a town council may not unreasonably refuse to hold an election that otherwise could be held.

**THE PRESIDENT**: The Senator from Cumberland, Senator Bartlett poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is Enactment. 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 (#486)**

YEAS: Senators: ANDREWS, BROMLEY, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, HASTINGS, HOBBS, MARTIN, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, WESTON, WOODCOCK

NAYS: Senators: BARTLETT, BRENNAN, BRYANT, COWGER, DOW, GAGNON, MAYO, MITCHELL, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: MILLS

EXCUSED: Senator: TURNER

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

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Senate at Ease.

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: S.C. 669

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 122nd

Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		28
Unanimous Reports	12	
Ought to Pass as Amended	8	
Ought Not to Pass	4	
Divided Reports	9	
Committee Bills & Papers	3	
Pursuant to Public Law	1	
Pursuant to Statute	1	
Pursuant to Joint Order	1	
Gubernatorial Nominations	4	

Respectfully submitted,

S/John M. Nutting  
Senate Chair

S/John F. Piotti  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 670

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		55
Unanimous Reports	28	
Ought to Pass	5	
Ought to Pass as Amended	16	
Ought Not to Pass	6	
Referred to Another Committee	1	
Divided Reports	5	
Gubernatorial Nominations	22	

Respectfully submitted,

S/Lynn Bromley  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 671

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		31
Unanimous Reports		24
Ought to Pass	1	
Ought to Pass as Amended	16	
Ought Not to Pass	6	
Referred to Another Committee	1	
Divided Reports		7

Respectfully submitted,

S/Bill Diamond  
Senate Chair

S/Patricia A. Blanchette  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 672

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		60
Unanimous Reports		28
Ought to Pass	5	
Ought to Pass as Amended	12	
Ought Not to Pass	11	
Divided Reports		11
Committee Bills & Papers		4
Pursuant to Joint Order (1 divided)	4	
Gubernatorial Nominations		17

Respectfully submitted,

S/Elizabeth H. Mitchell  
Senate Chair

S/Jacqueline Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 673

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		67
Unanimous Reports		53
Ought to Pass	14	
Ought to Pass as Amended	28	



Ought Not to Pass	10	
Referred to Another Committee	1	
Divided Reports		11
Committee Bills & Papers	2	
Pursuant to Joint Order	2	
Gubernatorial Nominations	1	

The Following Communication: S.C. 675

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		17
Unanimous Reports		8
Ought to Pass	1	
Ought to Pass as Amended	4	
Ought Not to Pass	3	
Divided Reports		7
Gubernatorial Nominations		2

Respectfully submitted,

S/Nancy B. Sullivan  
Senate Chair

S/Anne C. Perry  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 676

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

May 1, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the Second Regular Session of the 122nd Legislature has been

Respectfully submitted,

S/Arthur F. Mayo III  
Senate Chair

S/Hannah Pingree  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 674

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		21
Unanimous Reports		16
Ought to Pass	1	
Ought to Pass as Amended	9	
Ought Not to Pass	6	
Divided Reports		4
Gubernatorial Nominations		1

Respectfully submitted,

S/Bruce S. Bryant  
Senate Chair

S/Thomas R. Watson  
House Chair

**READ and ORDERED PLACED ON FILE.**

completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		58
Unanimous Reports	46	
Ought to Pass	2	
Ought to Pass as Amended	26	
Ought Not to Pass	18	
Divided Reports	3	
Committee Bills & Papers	1	
Pursuant to Resolve	1	
Gubernatorial Nominations	8	

Respectfully submitted,

S/Barry J. Hobbins  
Senate Chair

S/Deborah L. Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 677

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		29
Unanimous Reports	18	
Ought to Pass as Amended	12	
Ought Not to Pass	6	
Divided Reports	11	

Respectfully submitted,

S/Ethan Strimling  
Senate Chair

S/William J. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 678

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		9
Unanimous Reports	2	
Ought to Pass	1	
Ought to Pass as Amended	1	
Divided Reports	5	
Committee Bills & Papers	1	
Pursuant to Joint Order	1	
Gubernatorial Nominations	1	

Respectfully submitted,

S/Dennis S. Damon  
Senate Chair

S/Leila J. Percy  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 679

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		36
Unanimous Reports	19	
Ought to Pass	0	
Ought to Pass as Amended	13	
Ought Not to Pass	5	
Referred to Another Committee	1	
Divided Reports	10	
Committee Bills & Papers	1	
Pursuant to Resolve	1	
Gubernatorial Nominations	6	

Respectfully submitted,

S/Scott W. Cowger  
Senate Chair

S/Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 680

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		48
Unanimous Reports	28	
Ought to Pass	3	
Ought to Pass as Amended	15	
Ought Not to Pass	8	
Referred to Another Committee	2	
Divided Reports	10	
Committee Bills & Papers	3	
Pursuant to Resolve	1	

Pursuant to Joint Order 2

Gubernatorial Nominations 7

Respectfully submitted,

S/Elizabeth M. Schneider  
Senate Chair

S/Christopher R. Barstow  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 681

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		34
Unanimous Reports	28	
Ought to Pass	3	
Ought to Pass as Amended	10	
Ought Not to Pass	14	
Referred to Another Committee	1	
Divided Reports	6	

Respectfully submitted,

S/Dennis S. Damon  
Senate Chair

S/Boyd P. Marley  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 682

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		33
Unanimous Reports	29	
Ought to Pass	2	
Ought to Pass as Amended	16	
Ought Not to Pass	11	
Divided Reports	2	
Committee Bills & Papers	2	
Pursuant to Resolve	2	

Respectfully submitted,

S/Philip L. Bartlett II  
 Senate Chair

S/Lawrence Bliss  
 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**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act Authorizing Participation in the State Group Health Plan for Retiring Legislators"

H.P. 1491 L.D. 2098

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

Signed:

Senators:

BARTLETT of Cumberland  
 SNOWE-MELLO of Androscoggin

Representatives:

SMITH of Van Buren  
 HUTTON of Bowdoinham  
 CRESSEY of Cornish  
 CLARK of Millinocket  
 DRISCOLL of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1039).**

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

JACKSON of Allagash  
 HALL of Holden  
 DUPREY of Hampden  
 TUTTLE of Sanford  
 HAMPER of Oxford

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

Reports **READ.**

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

Senate at Ease.

Senate called to order by the President.

**ORDERS OF THE DAY**

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Change the Child Care Facility Licensing Laws  
 H.P. 272 L.D. 359  
 (C "A" H-346)

Tabled - May 20, 2005, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)**, in concurrence.)

(In House, May 20, 2005, **PASSED TO BE ENACTED.**)

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**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-346), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-662) to Committee Amendment "A" (H-346) **READ** and **ADOPTED**.

Committee Amendment "A" (H-346) as Amended by Senate Amendment "A" (S-662) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346) AS AMENDED BY SENATE AMENDMENT "A" (S-662)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations

S.P. 258 L.D. 791  
(C "A" S-299)

Tabled - June 7, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299)**.)

(In House, June 6, 2005, **PASSED TO BE ENACTED**.)

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**.

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-299).

On further motion by same Senator, Senate Amendment "A" (S-663) to Committee Amendment "A" (S-299) **READ** and **ADOPTED**.

Committee Amendment "A" (S-299) as Amended by Senate Amendment "A" (S-663) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299) AS AMENDED BY SENATE AMENDMENT "A" (S-663)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Encourage the Preservation of Affordable Housing  
H.P. 808 L.D. 1165  
(C "A" H-634)

Tabled - June 9, 2005, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634)**, in concurrence.)

(In House, June 9, 2005, **PASSED TO BE ENACTED**.)

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**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES** and **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-634), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-664) to Committee Amendment "A" (H-634) **READ** and **ADOPTED**.

Committee Amendment "A" (H-634) as Amended by Senate Amendment "A" (S-664) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634) AS AMENDED BY SENATE AMENDMENT "A" (S-664)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act Regarding Access to Mental Health Services  
S.P. 411 L.D. 1183  
(C "A" S-279)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279).**)

(In House, June 2, 2005, **PASSED TO BE ENACTED.**)

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.**

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-279).

On further motion by same Senator, Senate Amendment "A" (S-665) to Committee Amendment "A" (S-279) **READ** and **ADOPTED.**

Committee Amendment "A" (S-279) as Amended by Senate Amendment "A" (S-665) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279) AS AMENDED BY SENATE AMENDMENT "A" (S-665)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, To Promote Training Centers for Entrepreneurship  
H.P. 964 L.D. 1387  
(C "A" H-482)

Tabled - May 31, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**, in concurrence.)

(In House, May 31, 2005, **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.**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-482), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-666) to Committee Amendment "A" (H-482) **READ** and **ADOPTED.**

Committee Amendment "A" (H-482) as Amended by Senate Amendment "A" (S-666) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482) AS AMENDED BY SENATE AMENDMENT "A" (S-666)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Appropriate Funds for the School Breakfast Program  
S.P. 535 L.D. 1540  
(C "A" S-195)

Tabled - May 24, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195).**)

(In House, May 23, 2005, **PASSED TO BE ENACTED.**)

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.**

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-195).

On further motion by same Senator, Senate Amendment "A" (S-667) to Committee Amendment "A" (S-195) **READ** and **ADOPTED**.

Committee Amendment "A" (S-195) as Amended by Senate Amendment "A" (S-667) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195) AS AMENDED BY SENATE AMENDMENT "A" (S-667)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

H.P. 1093 L.D. 1552  
(C "A" H-584)

Tabled - June 6, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584)**, in concurrence.)

(In House, June 3, 2005, **PASSED TO BE ENACTED**.)

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**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-584), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-668) to Committee Amendment "A" (H-584) **READ** and **ADOPTED**.

Committee Amendment "A" (H-584) as Amended by Senate Amendment "A" (S-668) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584) AS AMENDED BY SENATE AMENDMENT "A" (S-668)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Promote Economic Development by Enhancing Educational Opportunities

S.P. 702 L.D. 1785  
(C "A" S-497)

Tabled - March 29, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497)**.)

(In House, March 28, 2006, **PASSED TO BE ENACTED**.)

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**.

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-497).

On further motion by same Senator, Senate Amendment "A" (S-669) to Committee Amendment "A" (S-497) **READ** and **ADOPTED**.

Committee Amendment "A" (S-497) as Amended by Senate Amendment "A" (S-669) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-669)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Eliminate Administrative Preliminary Hearings for Probationers

H.P. 1308 L.D. 1868  
(C "A" H-796)

Tabled - March 22, 2006, by Senator **NASS** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**, in concurrence.)

(In House, March 21, 2006, **PASSED TO BE ENACTED**.)

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**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-796), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-670) to Committee Amendment "A" (H-796) **READ** and **ADOPTED**.

Committee Amendment "A" (H-796) as Amended by Senate Amendment "A" (S-670) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796) AS AMENDED BY SENATE AMENDMENT "A" (S-670)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Promote Youth Involvement in County and Local Government

H.P. 1320 L.D. 1880  
(C "A" H-768)

Tabled - March 14, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768)**, in concurrence.)

(In House, March 14, 2006, **PASSED TO BE ENACTED**.)

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**.

On further motion by same Senator, Senate Amendment "A" (S-671) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-671) AND COMMITTEE AMENDMENT "A" (H-768)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve the Oral Health of Maine's Children  
S.P. 737 L.D. 1936  
(C "A" S-498)

Tabled - March 29, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**.)

(In House, March 28, 2006, **PASSED TO BE ENACTED**.)

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**.

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-498).

On further motion by same Senator, Senate Amendment "A" (S-672) to Committee Amendment "A" (S-498) **READ** and **ADOPTED**.

Committee Amendment "A" (S-498) as Amended by Senate Amendment "A" (S-672) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498) AS AMENDED BY SENATE AMENDMENT "A" (S-672)** thereto, in **NON-CONCURRENCE**.



Ordered sent down forthwith for concurrence.

An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory

S.P. 779 L.D. 2028  
(C "A" S-519)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Tabled - April 3, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes

S.P. 749 L.D. 1952  
(C "A" S-479)

(In Senate, March 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-519).**)

(In House, March 31, 2006, **PASSED TO BE ENACTED.**)

Tabled - March 21, 2006, by Senator **ROTUNDO** of Androscoggin

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

Pending - **ENACTMENT**, in concurrence

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

(In Senate, March 9, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479).**)

On further motion by same Senator, Senate Amendment "A" (S-674) **READ** and **ADOPTED.**

(In House, March 16, 2006, **PASSED TO BE ENACTED.**)

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

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-674) AND COMMITTEE AMENDMENT "A" (S-519), in NON-CONCURRENCE.**

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

Ordered sent down forthwith for concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-479).

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

On further motion by same Senator, Senate Amendment "A" (S-673) to Committee Amendment "A" (S-479) **READ** and **ADOPTED.**

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

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

Committee Amendment "A" (S-479) as Amended by Senate Amendment "A" (S-673) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY SENATE AMENDMENT "A" (S-673) thereto, in NON-CONCURRENCE.**

(In Senate, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018)**, in concurrence.)

(In House, April 27, 2006, **PASSED TO BE ENACTED.**)

Ordered sent down forthwith for concurrence.

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

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

**Emergency**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-1018), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1018) **READ**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ADOPT** Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1018).

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 Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006" (EMERGENCY)

H.P. 1382 L.D. 1974  
(S "A" S-635; S "B" S-641;  
S "C" S-646; S "D" S-650;  
H "B" H-1054 to  
C "B" H-1037)

In House, April 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1053) AND "B" (H-1054)** thereto.

In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-635); "B" (S-641); "C" (S-646); "D" (S-650) AND HOUSE AMENDMENT "B" (H-1054)** thereto, in **NON-CONCURRENCE**.

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

Senator **DAMON** of Hancock moved the Senate **RECEDE** and **CONCUR**.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. We have had this before us for some time and I think that we are all very aware of the need. I've heard people from this entire Chamber talk about the need that we have for fixing our roads. What we haven't been able to do is come to an agreement on how we get those fixed and how we pay for them. In an effort to do that we have offered up a number of amendments that have finally been beaten back and that's discouraging but it's part of what we all come here to do, if we believe in what we are doing. What's more discouraging to me, and I hope will ring that same bell of discouragement in every

legislator on this floor, is that we have sought to, and effectively been successful, at denying the public their voice. We have, by our actions, denied them the opportunity to vote for something that they understand, that they visit every single day, and to a certain extent, they equate our effectiveness and our representation of them with. That is fixing their roads and their bridges. I heard it said earlier in debate that we're still going to be fixing roads and bridges and I can't argue with that. We are. What we aren't going to be doing is putting back on the table those projects which were deferred because we've come into a funding shortfall, which was not our fault, which was not the fault of the Department of Transportation, was not the fault of having poor estimates of what projects would cost, and was not even the fault of making poor projects of how much money would be coming in to the Highway Fund budget. It was the result of a number of actions that we have talked about in this Chamber, that I certainly have talked to you about ad nauseam, that we could not have anticipated. What was before us today, and has been before us all along, was an opportunity to do those projects. I have every confidence that those projects will be done. They won't be done this year, they may not be done next year, but if we don't think that we're not going to get something done some year we're all wasting our time this year. They will be done and they will cost more than they would have cost if we did them today, but that's water over the dam or under the bridge that may have collapsed. That's done with us for today. Madame President, I would hope that we would support the pending motion to Recede and Concur. I thank you for your patience.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#487)**

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

NAYS: Senator: SULLIVAN

ABSENT: Senator: MILLS

EXCUSED: Senator: TURNER

32 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **DAMON** of Hancock to **RECEDE** and **CONCUR**, **PREVAILED**.

Senator **NASS** of York moved the Senate **RECONSIDER** whereby it **RECEDED** and **CONCURRED**.

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 (#488)**

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

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

ABSENT: Senators: MILLS, TURNER

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **NASS** of York to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**, **FAILED**.

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

**COMMUNICATIONS**

The Following Communication: S.C. 683

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

April 28, 2006

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the Second Regular Session of the 122nd

Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		30
Unanimous Reports	17	
Ought to Pass	1	
Ought to Pass as Amended	12	
Ought Not to Pass	4	
Divided Reports	8	
Gubernatorial Nominations	5	

Respectfully submitted,

S/Kenneth T. Gagnon  
Senate Chair

S/John L. Patrick  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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Off Record Remarks

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

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

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Tuesday, May 23, 2006, at 10:00 in the morning.