

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Third Legislature  
State of Maine

Daily Edition

First Regular Session  
December 6, 2006 to June 21, 2007

Pages 1 - 1266

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

In Senate Chamber  
Wednesday  
April 11, 2007

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

Prayer by Reverend Timothy Wilcox of Fairfield United Methodist  
Church.

**REVEREND WILCOX:** Senators and staff, fellow citizens, and  
honored guests, I invite you to pray according to your own  
tradition. Let us be in the spirit of prayer.

Wondrous God, we thank You for this beautiful day and for  
all of life and all of Your creations, for all of the gifts You have  
given each of us and the ways that You are involved in our lives  
in different ways. We confess that we have not always been  
good stewards of all that You have entrusted to us, that we have  
at times stood in the way of Your children developing their gifts  
and becoming all that You have made us to be, sometimes  
focusing on our own interests to the exclusion of the greater  
good. For those of us who have the power to make a difference  
in our communities, grant that we are about empowering people  
to have the full opportunity to make use of their gifts and to  
become the people that You made us to be. Grant that we may  
be good stewards of all that You have entrusted to us in our  
towns, in our state, and in this world. Help us, too, to be a voice  
to those without a voice and advocates for justice for those who  
seek the right. We lift up those who are celebrating today special  
birthdays, anniversaries, or other happy times and we also lift up  
those in need, those who are sick, those who are hungry, those  
who need medicine but aren't able to obtain it, and people who  
are in need in other ways. We especially remember  
Representative Holman and her family and all those suffering loss  
in one way or another today. Help us, oh God, to discern Your  
movement among us, that we might do what is right on behalf of  
all Your children and all Your creation without regard to our  
station in life, our titles, our ways of life, our religions, our parties,  
or our organizational affiliations so that the world might know  
incredible depths of Your love. We do so in the name of the One  
in whom we have our being. Amen.

Reading of the Journal of Tuesday, April 10, 2007.

Doctor of the day, Lisa Letourneau, MD of Scarborough.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by  
Senator **MITCHELL** of Kennebec, the following Joint Order:  
S.P. 667

Ordered, the House concurring, that when the House and Senate  
adjourn, they do so until Tuesday, April 24, 2007 at 10:00 in the  
morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Improve the Efficiency of the Maine Emergency  
Medical Services System"

H.P. 1283 L.D. 1841

Comes from the House, **REFERRED** to the Committee on  
**CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered  
printed.

On motion by Senator **McCORMICK** of Kennebec, **REFERRED**  
to the Committee on **CRIMINAL JUSTICE AND PUBLIC**  
**SAFETY** and ordered printed, in concurrence.

Bill "An Act To Strengthen the Laws Concerning Surface Water  
Ambient Toxic Monitoring"

H.P. 1285 L.D. 1845

Comes from the House, **REFERRED** to the Committee on  
**NATURAL RESOURCES** and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the  
Committee on **NATURAL RESOURCES** and ordered printed, in  
concurrence.

Bill "An Act To Allow Legislative Pay To Be Set by the State  
Compensation Commission"

H.P. 1266 L.D. 1814

Committee on **STATE AND LOCAL GOVERNMENT** suggested  
and ordered printed.

Comes from the House, **REFERRED** to the Committees on  
**STATE AND LOCAL GOVERNMENT AND LABOR.**

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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Bill "An Act Concerning Maine's Highway Safety Laws"  
H.P. 1284 L.D. 1844

Resolve, Directing the Department of Transportation To Conclude Its Study of the Alternative Routes for the Wiscasset Bypass, Choose a Route and Establish a Timetable (EMERGENCY)  
H.P. 1287 L.D. 1847

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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Off Record Remarks

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The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

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The following Joint Resolution:

H.P. 1288

**JOINT RESOLUTION IN HONOR AND IN MEMORY OF REPRESENTATIVE ABIGAIL HOLMAN OF FAYETTE**

WHEREAS, the Legislature has learned with profound shock and deep regret of the passing of the Honorable Abigail Holman, Representative of District 83, which includes the towns of Belgrade, Fayette, Vienna, Manchester and Mount Vernon; and

WHEREAS, Representative Abby Holman was a friend to all of us and as a Legislator was beginning to make a singular record of service to this body and to the people of the State of Maine; and

WHEREAS, Representative Abby Holman was vice-chair of the Fayette Board of Selectmen, and she had a long history of commitment to her community and to the environment; and

WHEREAS, Representative Abby Holman first came to the State House as law clerk, then served as Legislative Director and

Counsel and policy advisor to Governor John R. McKernan, Jr., and after he left office became a dedicated lobbyist for Pierce Atwood in its environmental division; and

WHEREAS, Representative Abby Holman was a freshman Legislator who was tireless in her dedication and willingness to serve, was the ranking Minority Member of the Joint Standing Committee on Judiciary and also served on the Joint Standing Committee on Legal and Veterans Affairs; and

WHEREAS, Representative Abby Holman leaves an enduring legacy in the work she accomplished; now, therefore, be it

RESOLVED: That We, the Members of the 123rd Legislature of the State of Maine, now assembled in the First Regular Session, take this opportunity to express our sorrow at the passing of Representative Abigail Holman of Fayette; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Representative Holman and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to her memory; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be prepared and presented to her family.

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

**READ.**

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMONDS:** Thank you, Mr. President and members of this Body. I rise today because, as a woman and as a legislator, I feel compelled to talk about the importance of family, basically. The importance of the family that Abby Holman leaves behind; the one she grew up with, the one she created with her late husband and her daughter, and the family that is here in this building. Regardless of our party affiliations or our geography or our views on any topic, everyone of us knows that we come here serving the people of Maine and that requires something that no one else besides those of us who have done it can understand. Losing a person who has chosen to make that sacrifice and be that dedicated is a loss to the state and it's a loss to each of us personally. I feel nothing but sorrow and grief for her family, for us, and for the State. Thank you.

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

Senator **NUTTING:** Thank you, Mr. President. Now and then things happen in life where I wonder if my faith is strong enough because it leaves me wanting to ask the question 'why?' My extended family and myself have worked with and known Abby for 20 years or more. In the last two years she really struggled to protect Molly and to really maintain kind of a rural influence with

Molly. Her husband, the late Andrew Weegar, always said, and I hope some of the legislators here don't take offense, that he was darned if they were going to raise a city kid. How many times in the last two years had Abby been to the farm, with Abby watching and Maura participating, whenever we had a cow delivering a calf. Maura was right there delivering a calf regardless of what time it was. Abby made sure that happened. I can remember once when her late husband, Andrew, who worked for the Institute for Naturalism and Journalism, and I had 40 members of the press at the farm, all to help us milk cows one evening. This was the Director of CNN in Chicago and people out of DC. We milked 45 cows and those 40 members of the press all wanted to milk at the same time. Andrew and I were trying to keep things under control. Abby was in the house with Sandy trying to get food ready for everybody to have afterwards. Finally, about half-way through it, Abby came out, and with all 90 pounds of her, put her hands on her hips and said, 'Who's in charge here?' because nobody was, and then she was. That was her nature. She was a tremendous help to me when I ran for Congress and I'm proud to have helped her in her race for the Maine House, although I don't think she ever really needed any help. She carried all five towns. She really struggled with her being a Maine Guide, she and her husband owning a farm, and being a former lobbyist for the Forest Products Council. All the time she was doing these roles, as working for Governor McKernan or lobbying for the Forest Products Council, she always would say to me that she was enjoying what she was doing but her real dream was to someday serve on the Policy Committee, something she was denied this year because people were scared of her. She really struggled with that.

My extended family is going to try to stay involved with that little girl and God we're all going to miss her.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Mr. President, men and women of the Senate. Abby Holman was dynamic. Her slim and vibrant self, her blond hair, and her fiery speech accomplished so much. She was a wife and a mother and you knew that from the first you met her. She talked about her family. She could talk about anything with confidence. She had great experience in her short life. After she became an attorney nearly every single thing she did centered upon this building, whether she worked for Governor McKernan or as a lobbyist, no matter what she did all of her work touched the work that we do here as legislators. Then she even became a legislator. Again she brought her dynamic self, her passion, and her wisdom and understanding of all the issues and shared it with us. All of her abilities, her understanding, and her wisdom will be missed, but not so much as the dynamic Abby, the mother and the friend, will be missed for a long time. We honor her memory today and I believe we will commit, in as many ways as possible, to offer our help as another family to her daughter, Molly. Thank you.

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

Senator **RAYE:** Thank you, Mr. President. I have known Abby Holman for two decades, back to the days when she worked on the staff of Governor McKernan and I worked on the staff of then Congresswoman Snowe. To say that she was a dedicated public

servant is an understatement. She loved public service and she was tireless. After learning of her death on Saturday, the next time I went to my computer there was an e-mail from Abby on an issue that she wanted to meet with me about this week. She was an able and effective leader, and she met with success in every aspect of her life. Her death is a profound tragedy. It is a tragedy for all of us who knew her. It is a tragedy for the state. It is a tragedy for her family and friends, but it is especially a tragedy for her beloved daughter, Molly. I pray that Abby's strength will be with that little girl always as she goes through life. I think all of us who knew Abby will always feel a special bond with Molly. Abby herself led by example in how we should deal with great loss and grief. As we come to terms with her loss may we take inspiration from her own strength in the face of the great tragedy she faced. Abby Holman was an extraordinary woman. I will miss her as a friend, as an ally, and as a great leader among us. Thank you.

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Proceedings Interrupted by Fire Alarm.

Senate called to order by President Pro Tem  
**JOHN L. MARTIN** of Aroostook County.

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Mr. President, ladies and gentlemen of the Senate. Abby decided we needed to take a deep breath and we thank her for that. I did not plan to make my maiden speech on the floor of the Senate on such a sad topic as this. I had a better one in store for you for a little later and I'll save it for then. This is important today, that those of us that knew Abby say these words about her. Abby was not here in the State House very long before our paths crossed. I had already exited on my first legislative life and was engaged in other activities here in the State House when she appeared on the scene in the McKernan administration. I soon found her to be a woman of principle, a woman whose word you could trust, and somebody who was thorough about her work. I remember our first conference. She approached me and said, 'Doug, can you tell me about PERPA?' I said, 'Well, if I've got enough time I can tell you about PERPA.' She said, 'Well, you're going to get enough time and it's going to be right now.' She trotted me right into the old cafeteria. We sat down and spent an hour talking about a fairly esoteric federal utility law and its companion state law. That was Abby. She needed to know immediately what something was all about. She wanted to know your perspective on it. She wanted to know what was right. I remember months later I had talked with her as the representative of the Governor and she had made a commitment on the part of the Governor. We were in a committee hearing on that very matter. Things were not going the way the commitment had been made. I made a phone call to Abby and I said, 'Abby, have the signals changed here?' She said, 'Absolutely not.' There was about 30 seconds and Abby was in that committee room making sure that things were right. Those kinds of things make an indelible impression upon those who work with others. Abby and I have had our paths cross so many times it's hard to tell all the tales, but after leaving the Governor's office she became involved in the forest products industry, which is a place

where I grew up. I spent my childhood years in the Maine woods, working in one way or another in logging operations. It's a place that is very near and dear to my heart. Abby was a force to be reckoned with there, to be sure. She led the Maine Forest Products Council in ways that it had never been led before with an enormous vigor, a razor sharp focus, and a strength that you would think that men twice her size could never muster. That was an extraordinary woman that we had known. A friend, a dear colleague, and a person who was a kindred spirit for many of us. Her leadership will be sorely missed in so very many ways. I hope that God will grant her peace and will look after her dear daughter, and I thank Abby as I close for that moment of respite that she gave us a few moments ago. Thank you.

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

Senator **HOBBS:** Thank you, Mr. President and men and women of the Senate. I had the honor and privilege of knowing Abby for nearly 20 years. Our paths had crossed scores of times over those years, both in the legislative and political arena. Although our party labels differed and we were on the opposite sides of many issues in many elections, we both had a common respect for the process and I know that I had a very big respect for her as an individual and for her abilities. She truly was a worthy opponent and a good and honest and capable political combatant, trust me. She was feared by many on the other side of the aisle but she was also greatly admired for her ability, her competence, and yes, her caring in the end about the most important aspect, and that is the political process itself and to make sure that there was a dignity in the process. Although technically Abby was a freshman legislator, that was in name only. As all of you know, since the short time that she had served, you probably know, as I do, that she had a doctorate in not only law but in the legislative process. She was smart, proficient, tenacious, she had a wonderful legal mind, and she had a very unique blend that is not seen all the time. She had a unique blend of public policy experience, legal experience, political experience, public and private advocacy experience, and legislative experience both in the lobby and serving in the other Body. She experienced the tragedies of life with the unfortunate death of her husband, Andrew, and the joys of life, sharing wonderful moments with friends, with a caring family, with her recently engaged fiancé, Dr. Jeff Timm, and her beautiful daughter, Molly. I know I speak for all of us who served on the Judiciary Committee with her and I'm sure I speak for those who were in the next room in the Legal Affairs Committee where she served simultaneously and did it better than anyone else could. Our thoughts and prayers, from our committee, are with her parents, her siblings, her fiancé, and most importantly, her daughter. I want to leave you with a vivid memory that I want to leave myself with when I think about Abby Holman. It's not the times that she got the best of me politically or all of those issues. I want to talk to you about Abby Holman the mother and the caring person. Last Thursday, as you know, was a blizzard day. It was a snow day. Abby didn't have any childcare for Molly. As she has in the past, she brought Molly to our committee room. Molly had become an adjunct junior member of the Judiciary Committee. She took her regular place at the end of the row, right next to Representative Nass. Representative Nass, the teacher that she is, was going over her assignments of coloring and drawing. She was very talented little artist. When we went

around and introduced ourselves, she mentioned Molly and she somewhat apologized, but I said we were very happy to have Molly as she was a new member of our committee. I was watching the interaction of Molly and Abby and the twinkle in Abby's eyes. She looked over at me and mouthed 'thank you'. It was just a wonderful moment and that is the moment I'm going to remember about Abby Holman. She will be sorely missed by the legislative process and by those who were her fellow members of her party and any political party. There was one thing about Abby, in the end the main interest for her was always the public interest. Thank you.

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

Senator **SNOWE-MELLO:** Thank you, Mr. President and ladies and gentlemen of the Senate. I remember Abby. I remember the many years that I've gotten to know her since I've been a legislator. Abby, in my mind, was truly the life-force behind many important issues that faced our state. She was never ever afraid to address issues that many felt were contentious. Doing the right thing was important to Abby. She was a woman of great integrity. I admired her so very much. Abby was not wishy-washy. That's for sure. You know, I can still remember Abby when she was carrying Molly. I always thought a little tiny woman like her. We all seemed to rally around her and watched her as she went through her pregnancy and were thrilled for her and her family when Molly came on the scene. I have really respected Abby. She was such a strong advocate for property rights. I often leaned on her in regards to forestry issues. Many don't realize, and I haven't heard it yet, but she had a keen sense of business and she worked tirelessly to improve the business climate in Maine. I'm so honored to be able to stand here to talk about my friend and colleague Abby. I will truly miss her, as we all will.

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

Senator **MILLS:** Thank you, Mr. President and members of the Senate. My first run-in with Abby was, I think, in the summer of 1992 when one of the most contentious pieces of legislation that this institution has ever seen hit the floor of the Special Session. It was the results of the Blue Ribbon Committee on Workers' Compensation, the issue that closed down State Government in July 1991 and resulted in a complete overhaul of that whole system. She was right out of law school and was tasked by Governor McKernan to shepherd this contentious piece of legislation through a process that involved venting it in front of four separate committees on four separate occasions. I can't remember them all but I think it was Labor, Insurance, Appropriations, and one other. They all had a hand in it. Then it had to hit the floor in both the House and the Senate. There was something like 25 or 30 amendments proposed on the floor of the House. It was a major undertaking. She fit right in to manage that process. It was rather striking to see someone, who at that time was only about 30 years old and right out of law school. As the Kennebec Journal said, she was a whippet. I will add to that, what there was of her was all muscle and bone and nerve, with particular emphasis on the nerve. She was a rafting guide down the Kennebec and Dead Rivers. She was an expert skier. She could hit a golf ball further than most men. She was an

extraordinary athlete. It showed up in her capacity to tolerate tension and competition. If she had a fault it was that perhaps she was almost too intense on occasions. She had to have her answers then and there. Had to have her point of view expressed and could not understand why you wouldn't agree with her. I remember about 21 months ago when I was first toying with the idea of running for higher office I called some people around the state to get advice about what I ought to do and how I ought to approach it. One pundit said, 'I want you to do one thing, I want you to call Abby Holman and I want you to do everything she tells you to do.' Frankly, if I had followed that advice I might be on the second floor. I followed a great deal of it, which carried me as far as I got. Once and a while she showed up, dropped in, and took an interest in my campaign from time to time. I remember scheduling myself into the Rotary or Kiwanis, I can't remember which, up in Wilton. She showed up with Molly, just wanting to hear what I was doing for a stump speech, which was nothing I was particularly proud of at that stage and I was not at all proud of her criticisms of it. The Franklin Journal the next day writes it up as 'Peter Mills and his lovely wife, Abby, with his daughter, Molly.' As you know, it was particularly awkward for me, with my spouse being completely unable to participate in anything political or campaign-wise, but Abby was a good proxy. That was great. I think if I had to reflect on Abby's present attitude towards what the events of the last few days, I suspect she would just be thoroughly irritated that she's not going to be here and she's going to miss out on some of the chapters that we're writing in the great big novel that we are all participating in crafting. I'm sure she's just royally irritated and I hope that she's just as vibrant and intense as she ever was in life. Just from a personal point of view, I have a little speed dial on my cell phone. Hundreds and hundreds of times over the past 21 months my cell phone would light up, and frankly, one of my favorite reasons for pushing green was to see the little sign on it that said 'Holman calling'. I'd give a lot of money, I'd give almost anything, to see that little signal pop up again. Now if any of you have got her cell phone, don't do that to me. I'd die of a heart attack, but I would love to see 'Holman calling' back on my cell phone. I came to know her mostly by cell phone over the past two years and came to respect her advice and her council. It was extraordinary. She had a sense of both policy and the political process that was unparalleled. It's very hard to think of people who had as much instinctive understanding of this whole process as she did. I'm going to miss her greatly. Thank you.

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

Senator **SCHNEIDER:** Thank you very much, Mr. President and men and women of the Senate. I didn't know Abby very long. I didn't know her personally at all, but I stand before you because she came to my committee and spoke on behalf of one of her bills as well as one of the Senator from Androscoggin, Senator Nutting's. She struck me as an incredible advocate for the legislative initiatives that she felt compelled to speak on behalf of. She was fiery, strong-willed, and what is most disappointing to me is that I didn't have an opportunity to get to know her better. I'm sure the sparks would have flown. I believe we would have been kindred spirits. Some of those descriptions are ones that I miss in the legislature. We don't have enough women who are strong in this legislature and I would love to see more women like Abby Holman represent us in Maine. With that, I just want to let you

know she'll be missed in so many ways because she was a great representative and a great woman. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Mr. President and men and women of the Senate. I feel compelled to rise because Abby Holman did serve on my committee, Legal and Veterans Affairs. I'd have to say I did not know her very well, but the short time that she was on our committee she really was a very smart lady. She was able to help us bring a lot of bills to consensus. I know from all the stories I am hearing here today that she will probably not leave the halls, she'll be here somewhere, somehow. I wish her Godspeed.

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

Senator **MITCHELL:** Thank you, Mr. President and colleagues of the Senate. On this beautiful spring day, when we're thinking of new life and new beginnings, Abby Holman is here and I'll bet she is irritated. I'll bet she is calling those of us who knew her slightly and those of us who knew her well. I want to thank the Senator from Androscoggin, Senator Nutting, and I want to thank the Senator from Washington, Senator Raye, who epitomized the bipartisan spirit that exists in this chamber during this tragic loss of one of our own. All politics fall away and I'm going full circle to our good Senate President, the Senator from Cumberland, Senator Edmonds. She started out talking about family. That's what we are all thinking about today. Our own families, our own mortality, and I'm particularly struck because I have a beautiful little girl, a granddaughter, named Abigail. I know that I will never call her name again without thinking about the Honorable Abigail Holman. I'm proud to admit that she was an extraordinary presence and a force that we won't forget. I think it gives us a chance to reflect on why we are here. I think it binds us as men and women who have gone through the same thing together. We are bonded in a way that I think you may not have realized until we've faced this tragic loss together. I have no words and when I have no words that reflect the depth of my sorrow and grief, as I think it's very difficult for us to do so, I often turn to great writers and poets. I thought the New Englander, Ralph Waldo Emerson's words defining success define Abby Holman and they give us all something to look forward to for our own lives. I'd like to close by sharing those with you.

To laugh much,  
To win respect of intelligent persons and the affections of children,  
To earn the approbations of honest critics and endure the betrayal of false friends,  
To appreciate beauty,  
To find the best in others,  
To give one's self,  
To leave the world a little better, whether by a healthy child, a garden patch, or a redeemed social condition,  
To have played and laughed with enthusiasm, and sung with exaltation,  
To know that even one life has breathed easier because you have lived.  
This is to have succeeded.

Abigail Holman was a tremendous success.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Mr. President and members of the Senate. This is a very sad occasion indeed. I'd like to put maybe a little different spin on it. She was a skier. I'm a skier. Over the years we'd been in a few different fundraising events. Last Friday I did ski Sugarloaf and all I can say about a skier is that you really love the winter wind in your face. Abby certainly loved her skiing. Another subject, I run a Christmas tree operation in Farmington. The family, before Andrew passed away, came up to our farm about 3 or 4 years ago and then 2 years ago Abby and Molly came up to the farm to get their Christmas tree. I'll think back on that many times. I'd like to say about Abby, you may have been a freshman State Representative, but you started at the State Capital in January knowing better than most how the legislative process worked. You were a tireless advocate for improving the well being of Maine citizens. We're not sure why you were called home so early. It makes no sense. If we could back up the clock we'd all push our green lights. Some of us knew you for a number of years when you had other responsibilities. We always could count on you for a very logical opinion about any subject. Now you are a free spirit and can visit our minds at any time with words of wisdom, of your choice, to guide us in making the best decisions for the citizens of the State of Maine. Abby, until we meet again, we say thanks for a life well lived.

**THE PRESIDENT PRO TEM:** Let us now stand for a moment of silence.

**ADOPTED,** in concurrence.

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The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator **MARTIN** to his seat on the floor.

Senate called to order by the President.

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The following Joint Resolution:

H.P. 1289

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT  
OF THE UNITED STATES AND THE CONGRESS OF  
THE UNITED STATES TO INCREASE FUNDING FOR  
COMMUNITY DEVELOPMENT BLOCK GRANTS**

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

WHEREAS, the primary objective of the Community Development Block Grant program is the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low income and moderate income; and

WHEREAS, the State of Maine and the Maine entitlement communities receive direct allocations from the Community Development Block Grant program annually for a wide variety of community and economic development activities that principally benefit low-income and moderate-income persons, including the elderly, children and those who are at risk; and

WHEREAS, in Maine and in communities throughout the nation, 33 years of Community Development Block Grant program funding has developed a strong network of relationships among local governments, residents, businesses and nonprofit organizations; and

WHEREAS, the Community Development Block Grant program has been cut every year since fiscal year 2001, and President Bush has released his fiscal year 2008 federal budget to Congress proposing only \$2,986,000,000 in formula funding for the Community Development Block Grant program, a reduction of \$736,000,000 from last year that would present a severe hardship to Maine communities; now, therefore, be it

**RESOLVED:** That We, your Memorialists, on behalf of the people we represent, take this opportunity to indicate that this valuable program has made a tremendous contribution to the viability of the housing stock, infrastructure, public services and economic vitality of the State and that we respectfully urge and request that the President of the United States and the Congress of the United States recognize the outstanding work being done locally and nationally by the Community Development Block Grant program by supporting increased funding for the program in fiscal year 2008; 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, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

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

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

---

**COMMUNICATIONS**

The Following Communication: S.C. 178

**123<sup>RD</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0003**

April 6, 2007



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

Dear Secretary O'Brien:  
Pursuant to my authority under Title 5, § 20065, I am pleased to appoint Senator Joseph Brannigan of Cumberland to the Substance Abuse Services Commission, as a Legislative member serving on the Joint Standing Committee on Health and Human Services.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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#### SENATE PAPERS

##### **Pursuant to Public Law Subcommittee To Study Early Childhood Special Education**

Senator MITCHELL for the **Subcommittee To Study Early Childhood Special Education**, pursuant to Public Law 2005, chapter 662, Part C, section 8 asked leave to report that the accompanying Bill "An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination"

S.P. 666 L.D. 1850

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

---

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

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#### REPORTS OF COMMITTEES

##### House

#### **Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport  
H.P. 192 L.D. 221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-54)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)**.

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

**READ ONCE**.

Committee Amendment "A" (H-54) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Medically Necessary Speech Therapy Services"  
H.P. 250 L.D. 306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-52)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52)**.

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

**READ ONCE**.

Committee Amendment "A" (H-52) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand the Definition of Health Care Facility under the Maine Health and Higher Educational Facilities Authority Act"  
H.P. 548 L.D. 727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-55)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55)**.

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

**READ ONCE.**

Committee Amendment "A" (H-55) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Military Personnel Stationed in Maine To Register All-terrain Vehicles As Residents"

H.P. 149 L.D. 167

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-58).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58).**

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

**READ ONCE.**

Committee Amendment "A" (H-58) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species"

H.P. 296 L.D. 366

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-59).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59).**

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

**READ ONCE.**

Committee Amendment "A" (H-59) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Establish an Airport Managers Training Program"  
H.P. 184 L.D. 213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-53).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53).**

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

**READ ONCE.**

Committee Amendment "A" (H-53) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create Fairness in E-9-1-1 Funding"

H.P. 425 L.D. 547

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-57).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57).**

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

**READ ONCE.**

Committee Amendment "A" (H-57) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

I.B. 1 L.D. 805

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

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford  
PLOWMAN of Penobscot

Representatives:

MOORE of Standish  
WEDDELL of Frankfort  
PINKHAM of Lexington Township  
TRINWARD of Waterville  
PATRICK of Rumford  
TUTTLE of Sanford  
NASS of Acton  
GOULD of South Berwick  
HOLMAN of Fayette

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

Signed:

Representative:

BLANCHETTE of Bangor

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

Reports **READ**.

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

**READ ONCE**.

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

On motion by Senator **MARRACHÉ** of Kennebec, Senate Amendment "A" (S-37) **READ**.

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

Senator **MARRACHÉ:** Thank you, Madame President and men and women of the Senate. I would like to put a few words in. This is a 12 - 1 report out of committee. It wasn't debated very much because most of the members had already felt very supportive about this bill prior to coming. It has been seen before in committee and it was voted out similarly before. I would like to provide for you a sum of the information we did talk about, that is some of the concerns that were raised about the cost that it will be to maintain police support for the area. I would like to add that when we look at that issue we found that the racino that is currently in place in Bangor has not seen any new police added. They do not foresee that happening even if they go up to the number of slots that they could. When asked by a representative on the committee they did not state that they would need any more other than just a few for Calais to have the same amount. In terms of safety, I feel it's quite safe. In terms of having two racinos in the state of Maine, I would add that there are two that I know of within a 7-mile radius in Connecticut and they are both doing quite well. Actually I spoke with a Senator who lived within the mile radius of those 7-miles and she stated that it has tremendously helped their community. The revenue that has been coming has supported many things that are good for their communities, so I wouldn't let that be an issue for you. This is very important for the tribes. They have been working on this for

over 15 years. If you want to consider it in terms of fairness, they have been doing so and all the while they never did get any further than this point here whereas Bangor has gotten their racino quite a while before them. This is a problem in terms of making sure that every aspect of Maine is seen in its proper dimension and this really should be looked upon fairly in terms of support. I'm sure there will be people behind me that will speak also of the economic impact this will provide for the area. I welcome you in support of this bill. Thank you.

On motion by Senator **MARRACHÉ** of Kennebec, Senate Amendment "A" (S-37) **ADOPTED**.

The Senator from Kennebec, Senator Marraché requested a Roll Call.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the pending motion and I want to thank the Senator from Kennebec, Senator Marraché, the Senator from Oxford, Senator Bryant, the Senator from Penobscot, Senator Plowman, and the other members of the Legal and Veterans Affairs Committee for their thoughtful consideration of LD 805 and their 12 - 1 Ought to Pass Report. Sometimes progress does not come easily. Sometimes it requires perseverance and multiple attempts. That is certainly the case for the issue before us. It has been a long and difficult journey to this day, a journey that began 15 years ago with the Passamaquoddy's first proposal for a full-fledged casino in Calais. Over the years other entities have come into Maine and bi-passed our own Native People.

A racino is now operated by Penn National Corporation in Bangor. That has proven to be, by all measures, a very good thing for its host community. The fact that Maine's Native People have been denied that same opportunity to bring economic growth to their home area and Maine's poorest county is a source of great pain and sorrow for the Passamaquoddy people and for the people of Washington County who have long supported the Passamaquoddy's dream. We have been forced to watch from the sidelines as the progress and economic boost we have long sought for our area has instead lifted others.

During the last legislature this Body and the other Body considered and gave our strong approval to a bill to authorize the Washington County racino only to have the promise of economic revitalization fall victim to a veto by the Chief Executive. This was yet another disappointing setback to Washington County and the Passamaquoddy. Following that exercise, we came back with a similar bill with a petition clause. That, too, sailed through the legislature, falling just a fraction of a vote shy of 2/3 in this Body. Again, our action here was vetoed.

Racino supporters took their case directly to the people of Maine and collected more than 51,000 valid signatures from Mainers who support this cause. As a result, we are once again reconsidering this issue and it is my hope that we will once again unite in strong support of the Washington County racino. LD 805, the bill sent to us by the people of Maine, is an exact duplicate of the bill we considered two years ago and closely mirrors existing law approved by Maine voters in referendum.

As the Senator for Washington County and the Passamaquoddy tribe, I would like to explain to you the human

dimension of why this will be so vitally important to our region and the potential it offers to be a key component of our efforts to boost the long ailing economy of Downeast Maine. In order to fully appreciate that potential it is important to understand the conditions that exist today. I'd like to take a moment to run through them with you briefly. According to the Bureau of Labor Statistics, Maine's average unemployment rate, over a recent 7-year period, was 4.4%. During that same period the unemployment rate in Washington County was an average of 9.1%. In other words, our unemployment rate is chronically more than double that of the rest of the state. That holds true for the latest figures out just for January, with the Calais labor market area experiencing the highest unemployment in the state at 9.5% compared for 5.2% statewide and just 3.6% for the Portland labor market. It is noteworthy that in every single one of those seven years our unemployment rate was the highest of all 16 counties. Even as high profile job losses in other counties gained much media attention and significant resources, our county has continued to quietly suffer the state's highest unemployment rate. Similarly, the Bureau of Labor Statistics shows that Maine's median household income is \$37,963. Compare that to Washington County's level of \$27,007. By a considerable margin, it is the lowest of all 16 counties. In fact, our median household income is nearly 30% lower than the state median. It is less than half that of Cumberland County and York County.

Last year's in-depth report, *Poverty in Maine*, by the Margaret Chase Smith Policy Center, tells us that Washington County's median income is 25% below the federal poverty rate for a family of four. According to the U.S. Census Bureau 11% of all Maine families and 14% of children under 17 in Maine live in poverty. In Washington County it's 17.6% of our families and an astounding 24.2% of our children who live in poverty. In other words, Washington County's poverty rate is 60% higher than the rest of the state and Washington County children under 17 suffer a poverty rate 70% higher than their counterparts across Maine. The Margaret Chase Smith Policy Center's *Poverty in Maine* report also showed that Washington County is one of only two counties that experienced continued population decline between 2000 and 2005.

For many years legislators working under this dome, policy makers and a succession of administrations, have pondered how to possibly change that dynamic for Washington County in a way that will allow us to overcome our long time economic distress. As one who was born and brought up in Washington County and who now represents its people here, there is no responsibility I feel greater than to help stimulate a change in that dynamic. This bill is designed to do just that. It literally provides the people of our county the opportunity to lift ourselves, not asking for help from others, but to lift ourselves up by the bootstraps. By devoting 1% of the total gross revenue to economic development and 1% to secondary vocational education, an infusion of funds will finally help fuel economic development and prepare our citizens for the workforce. Currently the Census Bureau tells us that only 14% of Washington County residents over 25 have college degrees compared to 23% statewide. Clearly if we are to be able to lift ourselves out of the economic conditions that have defined our part of Maine for so long an educated populace is one of the key tools. By identifying a portion of scholarship funds for students at Washington County Community College and the University of Maine at Machias it is our goal that Washington County will begin to catch up with the rest of the state in terms of our people who can achieve higher education. I would also point

out that the Joint Tribal Council of the Passamaquoddy Tribe just last week enacted a resolution pledging to donate an additional 2% of their share of the racino revenues to additional scholarships at Washington County Community College above and beyond what is in this bill. This is an unprecedented and extraordinary step that can have a great impact in transforming our workforce and it is yet another in a long line of good faith efforts by the Passamaquoddy people to extend the hand of friendship and partnership to work together.

For those who are concerned that we somehow view this as the end-all, be-all for Washington County, I want to dissuade your concerns. I do not foresee this single proposal as the sole economic salvation of our part of Maine, but there can be no doubt that it is a key component of our economic development strategy. We have watched in utter frustration as tourists pour through our beautiful part of Maine in search of activities and destinations to our east and to our west. With the racino as its anchor, it can leverage the investment necessary to realize the vision of a full service resort featuring convention and meeting facilities, an expansion of the golf course, to provide the critical mass for some of those folks who pour through Washington County to stop and stay a while. While doing so, they would become aware of the other opportunities and attractions that we offer.

By offering racing days during times that other Maine tracks do not currently operate, this proposal carves out a unique niche for Maine's horsemen. Rather than competing with any other race site, it will help them to make a go of it. In the process, Maine's horsemen will be provided with additional racing days in the spring and the fall, helping to make it possible for them to make a living. For Washington County, in addition to the direct jobs that will be created, the spin-off in the agricultural sector will benefit feed stores, hay producers, and the like. It will afford us the opportunity to restore a part of our own proud agricultural heritage. During the last century my great-grandfather was a horseman in Washington County, as were many others. I grew up going with my grandparents to see the old racetrack where Pa Bishop had his horses. Like so many other things in Washington County, those tracks are gone. This can allow that part of our history to come back.

We've come a long ways since 1993, when the late great State Senator Harry Vose of Washington County, who served in this Body with distinction, teamed up with the then Senator from Penobscot, Senator Baldacci, to sponsor legislation to allow a full fledged casino, not a racino but a casino, in Calais, a proposal that overwhelmingly approved by that city's residents in a local referendum. I would note that his Honor, the Mayor of Calais, is in the rear of the chamber today and he well remembers that. Nearly a decade and a half later the proposal before you is not for a casino. It's for a much more modest commercial track with slots. The debate on whether or not this is a form of economic development appropriate for our state has been decided already by the voters of Maine. Perhaps more importantly, LD 805 is also a matter of basic fairness. All we ask for in this legislation is that this part of Maine be able to benefit from a proven formula that has helped lift the economies of other communities across this country. By the same token, Maine's Indian tribes seek only a level playing field by having the same opportunities that Penn National has been afforded. Every member of the Washington County Delegation, Republican and Democrat alike, as well as Passamaquoddy tribal representative, Representative Sockomah, are on record in support of this racino. It has strong support from

local officials, the business community, and Maine's horsemen. A letter has been circulated to each Senator making that clear. Even the Washington County Sheriff has weighed in with his support. This breadth, the depth of support sends a powerful message about the partnerships that have been forged in our shared determination to move forward and improve our own situation. We are asking for a hand up, not a hand out.

Madame President, I would remind this Body that shortly after issuing his two vetos in the last legislature the Chief Executive established a much-touted task force on Washington County's economy. Two years later that effort is recalled as one in which many of our counties leaders and business people spent 7 months rolling up our sleeves to come up with recommendations that have largely gathered dust. It is particularly noteworthy that the Governor's own handpicked task force voted overwhelmingly, as one of its central recommendations, that the Washington County racino be approved. Only two of that task force's 23 members voted in opposition, both of them members of the Administration and who do not hail from Washington County. Just the night before last we in Washington County received the terrible news that Domti, our county's largest private employer who employs 500 Washington County residents, is closing down its one and only paper machine, throwing over 100 more of our residents out of work and highlighting, as if we needed it, the tremendous need that exists for other opportunities in our area.

Against this backdrop, I hope we will once again vote to extend the quality of opportunity to a part of Maine so sorely in need of an economic lift and extend fairness to Maine's tribes who have long sought to strengthen their economic position. Madame President, the time has come for us to do the right thing and enact this bill. The time has come to reward a 15 year long effort by the Passamaquoddy's and the people of Washington County to give them an opportunity to develop a racino resort, an endeavor that envisions, as I said, a hotel, conference center, expanded golf course, the amenities that can provide that critical mass necessary to become a destination. The time has come, men and women of the Senate, to right a wrong. It is noteworthy that on Sunday the Maine Sunday Telegram and the Portland Press Herald, long the state's leading voice of opposition to our efforts in Washington County, reversed its editorial stance. They have now endorsed the racino, acknowledging the inherent unfairness of denying our Native People the same opportunities afforded an out-of-state corporation. Likewise, I hope the Senate will come together to offer a new day of hope for Washington County by supporting the pending motion.

At the request of same Senator, Reports **READ**.

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

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

Senator **STRIMLING:** Thank you, Madame President, men and women of the Senate. There is only one question that we are being asked to answer today. Although we can talk about economic development and I would be happy to have that debate in long detail about the fact that there are casinos and racinos all around the United States that have proven destructive to

economies. They have not proven to be the hope that has been portrayed so far. I can go on and on about other economic development opportunities that are going on in Washington County right now around wind and LNG. True economic development opportunities. I could contrast those and we could spend all afternoon debating whether or not a racino is a good idea. I'd be happy to debate for hours on end because I know without question that it is not. There is one question today we are being asked and that is whether or not the voters should be allowed to decide. That's it. Should the voters be allowed to decide this issue? After years and years of ballots across this state in which voters have said no, once perhaps said yes, are we now going to decide for them, without letting them have the opportunity to make up their minds for themselves, that we are going to decide it here today? Madame President, this question should be sent to the voters. It is for them to decide because if it is not, if we say today that we are going to make this decision on their behalf, it's not an issue about whether or not we could do that, it's an issue that we not set a precedent that says that if you are out there and you would like to have a casino or a racino in the state of Maine all you need to do is go buy 50,000 signatures and submit it to the legislature. That's all you need to do because how are we going to turn away the next developer who comes forward and says, 'Here are my 50,000 signatures, why can't I have mine in Sanford? Why can't I have mine in Kennebunk? Why can't I have mine in Presque Isle?' That's it. It's the only issue. Should the voters be allowed to decide? I say to you, Madame President, absolutely without question, we cannot just stand aside and say, 'Yes, all you need to do is buy 50,000 signatures and put them in front of us and we will give you a casino.' That is not what we do. That is not how we have done that before. We say they should submit their signatures and then we send it out to a referendum to let the people make up their minds for themselves. I would be happy to debate the merits of a casino or racino anywhere in the state at any time. I hope to do it this fall on the ballot when we are having the opportunity, when the people get to chose. I certainly think that today the debate is solely about whether or not we are going to allow somebody to just come to us with the signatures and we will automatically give them what they have asked for. Madame President, I ask this Body to please reject this today. Send it out to the voters and let them have their say one more time on this issue. Thank you.

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

Senator **MARRACHÉ:** Thank you, Madame President, men and women of the Senate. The prior speaker talked about letting this go out to the voters and no doubt it probably will go out to the voters. However, it did go out to them before when we had the prior initiative and they did speak and they voted in favor and there was no limit to who could have a racino except for those who have a horse track and this will. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. There is one question to ask. I agree with the previous speaker. I think the question is, 'What is fair?' I don't agree many times with the editorial page in our Portland papers, but I do agree with this statement, 'Left with the choice

between the status quo and allowing the tribes to develop a racino, we now endorse the approval of the Washington County proposal by lawmakers directly.' We are here to make decisions. This has been debated for years. It is a question of fairness and we should push the buttons for our lights. Thank you.

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

Senator **RAYE:** Thank you, Madame President. I just want to respond to my friend, the Senator from Cumberland, Senator Strimling, that, with all due respect, we have been through theoretical debates longer than I have been alive about what could happen for Washington County or what might be better for Washington County. The time for that debate has ended. We need to make things happen. Theory is irrelevant at this point. We need concrete action. As for this Body's ability to enact this directly, that is what the Constitution of Maine provides for. We have, over the course of our state's history, many times enacted directly under this dome legislation brought to us through citizen initiatives. This is not some shocking new precedent or somehow something slightly inappropriate that we are being asked to do. We're being asked to do our job. Constitutionally mandated. We have the authority as the elected representatives of the people of Maine to take this action. We think nothing of enacting a bill brought to us by a single legislator. I don't think there is a member of this Body who would find that to be unacceptable. Why should it be unacceptable to enact something brought to us by over 51,000 citizens of Maine? I think that is an auspicious argument and I hope that we can move forward in a positive fashion and end the endless cycle of discussions and theory and task forces and commissions and committees to look at Washington County and wring our hands and figure out what can be done for them. We know what we need to do. Now is the time to do it. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed. 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 (#44)

YEAS: Senators: BENOIT, BRANNIGAN, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BOWMAN, BROMLEY, COURTNEY, HOBBS, MILLS, NASS, PERRY, ROTUNDO, SMITH, STRIMLING, SULLIVAN

ABSENT: Senator: PLOWMAN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-37), in NON-CONCURRENCE.**

Sent down forthwith for concurrence.

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

#### Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Resolve, To Require the Department of Marine Resources To Report on Results of Anadromous Fish Restoration on the Kennebec River System

H.P. 259 L.D. 324

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

Signed:

Senators:

DAMON of Hancock  
DOW of Lincoln

Representatives:

PENDLETON of Scarborough  
EATON of Sullivan  
MacDONALD of Boothbay  
PERCY of Phippsburg  
MAZUREK of Rockland  
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-63).**

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

CRESSEY of Cornish  
FLETCHER of Winslow  
McDONOUGH of Scarborough

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

Reports **READ.**

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

**Senate**

**Ought to Pass As Amended**

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Support Maine's Free Clinics"

S.P. 55 L.D. 144

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-36)**.

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

**READ ONCE**.

Committee Amendment "A" (S-36) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Modify the Boundaries of Maine's Lobster Fishing Zones"

S.P. 41 L.D. 92

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

Signed:

Senators:

DAMON of Hancock  
DOW of Lincoln

Representatives:

PENDLETON of Scarborough  
EATON of Sullivan  
FLETCHER of Winslow  
MacDONALD of Boothbay  
McDONOUGH of Scarborough  
MAZUREK of Rockland  
EMERY of Cutler  
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

PERCY of Phippsburg

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**

Sent down for concurrence.

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

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**SECOND READERS**

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

**House**

Resolve, Directing the Department of Education To Review and Assess Distance Learning Opportunities for High School Students  
H.P. 365 L.D. 481

Bill "An Act To Strengthen OUI Laws As They Pertain to Drugs"  
H.P. 480 L.D. 631

Bill "An Act To Update and Clarify Laws Relating to Maine's Community Colleges"  
H.P. 859 L.D. 1178

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

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**House As Amended**

Bill "An Act To Continue the Axle Weight Law Changes beyond September 15, 2007"  
H.P. 10 L.D. 9  
(C "A" H-48)

Bill "An Act To Allow Funeral Processions To Use Certain Lights"  
H.P. 381 L.D. 497  
(C "A" H-47)

Bill "An Act To Protect and Improve Lake Water Quality"  
H.P. 454 L.D. 587  
(C "A" H-49)

Bill "An Act To Promote Municipal Energy Conservation"  
H.P. 494 L.D. 645  
(C "A" H-45)

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

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**Senate As Amended**

Bill "An Act To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local Authorities"

S.P. 142 L.D. 441  
(C "A" S-33)

Bill "An Act To Make Technical and Supervisory Amendments to the Banking Laws"

S.P. 292 L.D. 904  
(C "A" S-34)

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

Sent down for concurrence.

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

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#### ENACTORS

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

#### Emergency Measure

An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices

H.P. 332 L.D. 416  
(S "A" S-25 to C "A" H-29)

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

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#### Emergency Measure

An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Licenses to Beagle Clubs To Trap Snowshoe Hares

H.P. 386 L.D. 503  
(C "A" H-35)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 7 Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

#### Emergency Measure

An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides

H.P. 665 L.D. 875  
(H "A" H-46)

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

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#### Emergency Measure

An Act To Create the Princeton Standard Water District

H.P. 878 L.D. 1236

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

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#### Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 329: Rules Governing Milk and Milk Products, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

H.P. 536 L.D. 705

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

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#### Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

H.P. 725 L.D. 965

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



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**Acts**

An Act To Amend the Shellfish Laws  
H.P. 432 L.D. 554

An Act To Amend Certain Requirements Applicable to Insurance Producers  
H.P. 457 L.D. 590

An Act To Clarify What Constitutes a Schedule W Drug  
H.P. 541 L.D. 720

An Act To Allow Physician Assistants To Sign Death Certificates  
H.P. 575 L.D. 754

An Act To Promote Green Power Use at State Buildings  
H.P. 601 L.D. 785  
(C "A" H-41)

An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices  
H.P. 674 L.D. 889

An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws  
H.P. 825 L.D. 1132

An Act To Clarify the Application of the Definition of "Tract or Parcel of Land" under the State Subdivision Laws  
H.P. 854 L.D. 1173

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

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An Act To Provide a Felony Penalty for Assault on a Firefighter  
H.P. 201 L.D. 239  
(C "A" H-21)

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

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An Act To Increase the Bonding Capacity of the Maine Turnpike Authority  
S.P. 104 L.D. 321  
(C "A" S-24)

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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An Act To Fund a Joint Appointment for a Groundfish Ecologist  
S.P. 121 L.D. 377

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

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**HELD MATTER**

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"  
S.P. 212 L.D. 675

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass** (1 member)

(In Senate, April 10, 2007, on motion by Senator **MITCHELL** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **DAMON** of Hancock, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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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 (3/27/07) Assigned matter:

Bill "An Act To Make Failure To Wear a Seat Belt a Primary Offense"

S.P. 22 L.D. 24

Tabled - March 27, 2007, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

(In Senate, March 20, 2007, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In House, March 22, 2007, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **SAVAGE** of Knox, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-35) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. This does two things to my original proposal. This adds a sentence to the law that says, 'A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this sub-section.' I also added to it the provision that a person detained solely for a violation of this law before April 1, 2008 may only be issued a warning. That gives six months for education on the primary seat belt. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-35) **ADOPTED**.

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

Senator **NASS:** Thank you, Madame President. Just to inquire about the Parliamentary procedure here. If I was interested in being recorded as being opposed to the entire proposal requiring seat belts, would this be the time to state this?

**THE PRESIDENT:** If there were a roll call, it would definitely be the time to do that.

On motion by Senator **NASS** of York, 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 Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. Not to belabor an issue that we've already discussed thoroughly last week, but I would encourage people to think about the current law which requires children under 18 to wear their seat belt. I think the current law that we put in place 4 or 5 years ago when I served in the other Body was a good compromise that allows people to make their own decision but also encourages people to wear their seat belt. I would encourage you to vote against the pending motion.

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

Senator **BRANNIGAN:** Thank you, Madame President. I would just like to remind people that the present law does not allow people to make a choice. It is a law that must be followed just like any other law. Therefore there is no choice.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed. 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 (#45)**

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DIAMOND, DOW, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BENOIT, BRYANT, COURTNEY, GOOLEY, HASTINGS, HOBBS, MCCORMICK, NASS, RAYE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO

**ABSENT:** Senator: PLOWMAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-35)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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The Chair laid before the Senate the following Tabled and Later (4/2/07) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee

H.P. 283 L.D. 353

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-34)** (5 members)

Tabled - April 2, 2007, by Senator **SCHNEIDER** of Penobscot

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

(In House, March 29, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 2, 2007, Reports **READ**.)

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

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I hope that the majority of those members here that are present, hungry, and in good form will reject the motion that is before us, the acceptance of the majority Ought Not to Pass report, and move on to accept an Ought to Pass report. The threshold is very clear. We've had a discussion around this issue in the halls and outside of the building. It has become both a practical and philosophical discussion around 2/3 voting for raising taxes, fines, and fees. The only information I would add to this conversation is just by example to look at the recent successful negotiations that resulted in the general obligation bond proposals that have been now signed by the Chief Executive and rolled out. The state's condition and its geo-debt has been recognized by a variety of analysts, in and out of the state of Maine, and found that it is, in fact, in good shape. I contend that the reason that our general obligation indebtedness is seen to be in good shape is precisely because of the Constitutional requirement that calls for 2/3 support in the legislature and voter approval. The history of that, I think, bears out in the numbers that force negotiation, working together, and developing strong packages that receive voter approval have kept us in line.

You can look at the other side of the ledger, the liability side of the ledger. The liability side of the ledger is essentially made up of many of our public, retirement, and health benefits that have been promised over the years. That side of the ledger is enormous. We have, as we know, billions of dollars of unfunded liabilities that we have to confront and deal with. Over the years many of those have been passed and put on the books by a simple majority vote. I want to make sure that we're talking about majority and 2/3. We're not talking about a particular party. We're not talking about a particular geography. We're talking about the mechanics of being able to gain majority approval in the higher threshold of 2/3. I think if you want an example to place side-by-side the enormous nature of our liabilities and the problem that we confront there compared to the controlled and reasonable nature of our geo-debt is the clearest example of the benefit of the higher threshold that forces negotiation as opposed to a simple majority that can obligate us for years to come.

I encourage you to reject the motion on the floor.

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

Senator **SNOWE-MELLO:** Thank you very much, Madame President and ladies and gentlemen of the Senate. I stand here today in support of the minority report. Simply put, it is far too

important an issue for me to remain silent. This past Fall the voters in District 15 supported the Taxpayers' Bill of Rights. Why did they do that? I believe the people of Auburn, Durham, New Gloucester, and Poland wanted their government to be accountable. A 2/3 requirement to raise any tax or fee would be an efficient way to achieve that. My constituents believe government should be accountable and they do not want their taxes raised easily. This is why I have stood up in support of an amendment requiring a 2/3 vote to raise a tax. I challenge every distinguished member of the Senate to think of what you heard on your campaigns last year. What were the people back home telling you? Did your constituents tell you that their tax burden was too high? Mine did. Did they tell you that they don't believe government is paying attention to them? Mine did. As representatives of the people of this great State of Maine we must take it upon ourselves to govern in their very best interest and with their demands and desire in mind. We can show our citizens that we govern for them, with them in mind, and I urge every member of this Chamber to embrace the minority report and to vote against the current motion. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I rise in favor of the motion, Ought Not to Pass. The simplest and most effective way I can say this is I just don't believe in giving over the authority to the minority. I believe in a democracy that is of a majority. There may be other occasions later on in the session when collaboration will require me to step away from my almost complete opposition to this because of other initiatives that are being worked on in a collaborative manner regarding tax reform, but that said, on this particular bill I cannot support changing our democratic ways and giving over this particular power to, in my opinion is non-democratic, a minority. It generally goes against my principles of governing. I think it is why we are sent here, to represent our districts. I don't think that, given the change in power, it has anything to do with my party being in the majority. It is simply a philosophical perspective and I hope that you will all support the pending motion. Thank you very much.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I wonder if I might propose a question through the Chair?

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

Senator **COURTNEY:** Thank you, Madame President. Last year we had a bill, it was an insurance bill, that passed the other Body and then came down to us and was ruled inappropriate because we had already dealt with the issue, thus we were not able to consider it. I have a concern with this bill, if it were to pass, that it might inhibit some of the work that is going on in the Taxation Committee with regards to a tax reform proposal and a 2/3 vote that might come out of that. If anyone could answer that I'd appreciate it.

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

Senator **MARTIN:** Thank you, Madame President, men and women of the Senate. I'd be more than happy to respond to the question that has been posed. It would have no impact. We already have other legislation, as a matter of fact some that we have already seen and people have been working on, proposed by a couple of members in this Body which deal with the same issue. It is the same session. We are here. The bill is before us. It is before the legislative session and the rule would not apply.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. It is true in this case, and I also share the State and Local Committee's Chair's concern about majority rules. It is important. We function here primarily by majority rule. From the beginning we have given up majority rule in certain cases, certain things in the Constitution. In fact, 13 times in the Constitution we require a 2/3 vote. From the beginning and in changes since then we require a majority vote on important things. Really, for me, Madame President, this is really an issue about if tax increases are more important than some of the 13 things on the list I'm about to read or aren't they. We are already at 2/3, we do it frequently, almost never in some cases. Is increasing taxes more important than apportionment? I would say no. Yet we do that every 10 years and we are required to approve it by 2/3 or it goes off to the courts. That's usually a disaster. To try impeachment, I don't know if we have any record of that. To override the Governor's veto, we do that on occasion. To punish and expel members, we don't do that much, thank goodness. To call a Constitutional Convention, I don't know if we've done that lately. For emergency enactment, we do that a lot. To override a confirmation of a Governor's appointment, I think maybe I've seen that once. To fill a vacancy in the Governor's Office, I've not seen that. The issuance of bonds, we do that just about every year. A mandate override, we do that frequently. To sell State land or park land, we had that happen to us recently. To amend the Constitution, that's before us now. Here's one, the 13<sup>th</sup>, expenditures from the Mining Excise Tax Trust Fund, I don't know if there is any money in that. I don't know if it still exists. If there is, we want it. We'll strip that one bare. My point is that we already do a lot of things here by 2/3 vote and certainly raising taxes is more important than the Mining Excise Tax Trust Fund. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#46)

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BENOIT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

**ABSENT:** Senator: PLOWMAN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

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

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

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

Bill "An Act To Provide Greater Information Pertaining to the Health of Maine Children"

H.P. 1241 L.D. 1774

Tabled - April 4, 2007, by Senator **MARRACHÉ** of Kennebec

Pending - **REFERENCE**

(In House, April 3, 2007, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/10/07) Assigned matter:

**Emergency**

An Act To Continue To Allow Public Retiree Organizations Access to the Maine State Retirement System's List of All State Retirees

S.P. 229 L.D. 712

Tabled - April 10, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2007, **PASSED TO BE ENGROSSED**.)

(In House, April 5, 2007, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Provide Taxpayer Relief"

H.P. 1291 L.D. 1852

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings"

H.P. 1292 L.D. 1853

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBINS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

H.P. 1290 L.D. 1851

Committee on **NATURAL RESOURCES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committees on **NATURAL RESOURCES AND UTILITIES AND ENERGY**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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Senate at Ease.

Senate called to order by the President.

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

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Senator **SHERMAN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

**ORDERS OF THE DAY**

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

Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

H.P. 1290 L.D. 1851

Tabled - April 11, 2007, by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

(Committee on **NATURAL RESOURCES** suggested and ordered printed.)

(In House, April 11, 2007, **REFERRED** to the Committees on **NATURAL RESOURCES AND UTILITIES AND ENERGY**.)

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committees on **NATURAL RESOURCES AND UTILITIES AND ENERGY** and ordered printed, in concurrence.

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Off Record Remarks

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, April 24, 2007, at 10:00 in the morning, in memory of and lasting tribute to Representative Abigail Holman of Fayette.