

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature
State of Maine

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Pages 1 - 1266

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

In Senate Chamber
Tuesday
May 1, 2007

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

Prayer by Pastor Michael Donato of Evangelical Baptist Church in
Bucksport.

PASTOR DONATO: Shall we pray. Loving God and Heavenly
Father, we come before You this day, Lord, thanking You for Your
goodness; thanking You for Your love; thanking You for Your
grace; and thanking You that You are a God who is not far off, but
as Your word says, a God who is very near, a God who is just a
prayer away. We thank You, Lord, for that. Thank You, Lord, for
these men and women who serve the State of Maine. Lord, we
pray for them as they engage in session this day. I pray, Lord,
that You will give them wisdom to undertake the different matters
they have to discuss, vote on, deliberate on, and disagree on.
Lord, help them find a common ground, a common thread, to
reach agreement. We thank You, Lord, for the state that we live
in, the beauties that we enjoy, the beauty of Your creation, and for
the land that we live in, Lord. We thank You for that. Lord, we
again acknowledge there is wrong in our land and pray that You
will give grace and strength to help us right that as well. So, Lord,
be glorified here this day. Think of each life and family
represented here. Bless them, Lord. Undertake form in a
wonderful way. Guide us, Lord. You want us to seek You. Pray
that we will do that. We thank You in Jesus' name. Amen.

Pledge of Allegiance led by Senator Richard W. Rosen of
Hancock County.

Reading of the Journal of Thursday, April 26, 2007.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow Additional Slot Machines at a Harness Horse
Racing Track To Support Harness Horse Racing, Passenger and
Freight Train Service on the Mountain Division Rail Line and
Passenger Train Service Overseen by the Northern New England
Passenger Rail Authority"

H.P. 1311 L.D. 1879

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

On motion by Senator **MARRACHÉ** of Kennebec **REFERRED** to
the Committee on **LEGAL AND VETERANS AFFAIRS** and
ordered printed, in concurrence.

Bill "An Act To Generate Savings by Changing Public Notice
Requirements" (EMERGENCY)

H.P. 1310 L.D. 1878

Comes from the House, **REFERRED** to the Committee on **STATE
AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed, in concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

The **Commission on Governmental Ethics and Election
Practices**, pursuant to the Maine Revised Statutes, Title 5,
section 8072 asked leave to report that the accompanying
Resolve, Regarding Legislative Review of Portions of Chapter 3:
Maine Clean Election Act and Related Provisions, a Major
Substantive Rule of the Commission on Governmental Ethics and
Election Practices (EMERGENCY)

H.P. 1309 L.D. 1877

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

Comes from the House with the Report **READ** and **ACCEPTED**
and the Resolve **REFERRED** to the Committee on **LEGAL AND
VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule
218.

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

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to
the Committee on **LEGAL AND VETERANS AFFAIRS** and
ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 242

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

April 17, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 820 An Act To Amend the Funeral Service Licensing Laws
- L.D. 1037 An Act To Exempt Maintenance Workers from Licensure for General Electrical Maintenance
- L.D. 1172 An Act To Regulate Fire Alarm Contractors

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 243

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

April 25, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 485 An Act To Provide Free Turkey Hunting Permits to Maine Residents 80 Years of Age or Older

- L.D. 824 Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Extend the Coyote Night Hunting Season

- L.D. 887 An Act To Reduce Watercraft Noise Levels on Lakes

- L.D. 1496 An Act To Restrict the Time during Which an Airmobile May Be Operated

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Troy D. Jackson
House Chair

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

The Following Communication: S.C. 244

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

April 25, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 331 An Act To Incorporate the Federal Real Estate Settlement Procedures Act into the Maine Consumer Credit Code

- L.D. 1641 An Act To Provide for Transparency in Insurance Rate Proceedings

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. John R. Brautigam
House Chair

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

The Following Communication: S.C. 245

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

April 25, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1277 Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors in the State
- L.D. 1363 An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit Traffic Safety and Rest Area Exceptions
- L.D. 1399 Resolve, To Ensure the Safety of Roads with High Volumes of Traffic

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: H.C. 221

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

April 26, 2007

The Honorable Joy J. O'Brien
Secretary of the Senate
123rd Maine Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

Initiated Bill 1 Legislative Document 805 "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County," having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

38 voted in favor and 92 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act To Improve Transparency and Accountability in Government"

S.P. 684 L.D. 1881

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative TARDY of Newport and Senators: BENOIT of Sagadahoc, President EDMONDS of Cumberland, HASTINGS of Oxford, HOBBS of York, RAYE of Washington, Representatives: CANAVAN of Waterville, CROTHWAITE of Ellsworth, SIMPSON of Auburn.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Clarify Certain Provisions in the Harness Racing Statutes"

S.P. 685 L.D. 1882

Sponsored by Senator PERRY of Penobscot.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **MARINE RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1235 L.D. 1769

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Veterinarians To Notify Municipalities of Rabies Vaccinations of Dogs"

H.P. 1210 L.D. 1727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-121)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121)**.

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

READ ONCE.

Committee Amendment "A" (H-121) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer"

H.P. 66 L.D. 68

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-123)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**.

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

READ ONCE.

Committee Amendment "A" (H-123) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence"

H.P. 340 L.D. 424

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-124)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**.

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

READ ONCE.

Committee Amendment "A" (H-124) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Relating to Department of Corrections Facilities"

H.P. 528 L.D. 697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-125).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125).**

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

READ ONCE.

Committee Amendment "A" (H-125) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers"

H.P. 639 L.D. 840

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-129).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129).**

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

READ ONCE.

Committee Amendment "A" (H-129) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age"

H.P. 640 L.D. 841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-130).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130).**

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

READ ONCE.

Committee Amendment "A" (H-130) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation"

H.P. 1002 L.D. 1428

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-131).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131).**

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

READ ONCE.

Committee Amendment "A" (H-131) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Clarify Certain Equipment Provisions for Motor Vehicles"

H.P. 492 L.D. 643

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-128).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-128).**

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

READ ONCE.

Committee Amendment "A" (H-128) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities"

H.P. 844 L.D. 1151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-119).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**.

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

READ ONCE.

Committee Amendment "A" (H-119) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"

H.P. 335 L.D. 419

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-71)**.

Signed:

Senator:
SULLIVAN of York

Representatives:
BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
TREAT of Farmingdale
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Senators:
BOWMAN of York
SNOWE-MELLO of Androscoggin

Representatives:
VAUGHAN of Durham
RICHARDSON of Warren
SAVAGE of Falmouth
McKANE of Newcastle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Make Lobster Trap Molesting a Civil Offense"
H.P. 18 L.D. 16

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

Signed:

Senators:
DOW of Lincoln
SNOWE-MELLO of Androscoggin

Representatives:
EATON of Sullivan
FLETCHER of Winslow
MacDONALD of Boothbay
McDONOUGH of Scarborough
MAZUREK of Rockland
EMERY of Cutler

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-74)**.

Signed:

Senator:
DAMON of Hancock

Representatives:
PENDLETON of Scarborough
PERCY of Phippsburg
ADAMS of Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74)**.

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in opposition to the minority report. Looking at the calendar you will see that 8 members are on the Ought Not to Pass. What this bill is about is taking a Class C crime and making it a civil offense. That is what I object to, whether it is a marine bill or whatever it is. I want to start this bill out by saying that this isn't a contest between the Senator from

Hancock, Senator Damon, and myself. We sit right beside each other on committee and help move that committee along. Many times I get the feeling that I'm a little bit more helpful than some of the members of his own Party. We have a great relationship on that committee. This isn't anything to do with a contest between him and myself, it just has to do with a difference of opinion on law. As I was saying, this changes a Class C crime, which must be proved in a court of law with a jury, to a criminal offense where you only need 51% of the proof to find guilt. That is the objection I have, whether it's a marine bill or any kind of bill. Let's define what molestation is. Molestation of lobster traps is just the terminology for picking up your own trap and getting the lobsters out of it or picking up somebody else's trap or cutting it or stealing from it or doing anything else to it that could be illegal. It is still a major crime. It's a Class C. It's not a Class D crime. Some of these laws were revamped years ago and this particular one was left as a Class C crime. It wasn't downgraded to a Class D crime like some others were. The results of a jury trial with a finding of guilty for molesting a trap is that the Commissioner can take a person's lobster license away for 3 years. A Class C crime of \$1,000 or \$2,000 all of a sudden becomes a \$300,000 fine and a loss of livelihood. That's okay if it's a Class C crime and it has been proven in a court of law by a jury without any doubt. To move it to a civil law offense, the penalties are still the same. You have to pay back any damage plus you are going to lose your license for 3 years and therefore lose your livelihood. The fine isn't going to be \$1,000 and a few months in jail, but will be \$300,000, assuming they make \$100,000 a year, and the loss of livelihood. They won't be able to pay the payments on their boat. They will lose that. That's why I object to this bill and that's how I was able to convince most of the members of the Marine Resources Committee to vote against this. I guess I'm done. Thank you very much.

On motion by Senator **BENOIT** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Enhance the Natural Resources Protection Laws" H.P. 600 L.D. 784

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

Signed:

Senators:

DOW of Lincoln
SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough
EATON of Sullivan
FLETCHER of Winslow
MacDONALD of Boothbay
McDONOUGH of Scarborough
PERCY of Phippsburg

MAZUREK of Rockland
EMERY of Cutler

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-132)**.

Signed:

Senator:

DAMON of Hancock

Representative:

ADAMS of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Regarding When an Overweight Truck May Be Required To Unload"

H.P. 562 L.D. 741

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
CEBRA of Naples
ROSEN of Bucksport
PEOPLES of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-126)**.

Signed:

Representatives:

THOMAS of Ripley
THERIAULT of Madawaska

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.

Divided Report

Nine members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ban Salvia Divinorum"

H.P. 64 L.D. 66

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-117)**.

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
HASKELL of Portland
SYKES of Harrison

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-118)**.

Signed:

Representatives:

BLANCHETTE of Bangor
TIBBETTS of Columbia

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

Signed:

Representatives:

GERZOFSKY of Brunswick
KAENRATH of South Portland

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-117)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-117)**.

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-117)** **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-117) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator BOWMAN for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding Adult Education"

S.P. 563 L.D. 1619

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group" (EMERGENCY)

S.P. 497 L.D. 1419

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-60)**.

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

READ ONCE.

Committee Amendment "A" (S-60) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Compulsory School Attendance"

S.P. 155 L.D. 468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-63).**

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

READ ONCE.

Committee Amendment "A" (S-63) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Health Data Organization Laws"

S.P. 290 L.D. 902

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

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

READ ONCE.

Committee Amendment "A" (S-59) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Fund Youth Conservation Education"

S.P. 57 L.D. 175

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-61).**

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

READ ONCE.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Change Snowmobile Registration Requirements"

S.P. 87 L.D. 250

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-70).**

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

READ ONCE.

Committee Amendment "A" (S-70) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine"

S.P. 349 L.D. 1032

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-71).**

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

READ ONCE.

Committee Amendment "A" (S-71) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Composition of the Maine Port Authority"

S.P. 435 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-68).**

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

READ ONCE.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Limit the Eminent Domain Authority of a Transmission and Distribution Utility"

S.P. 215 L.D. 678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-62).**

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

READ ONCE.

Committee Amendment "A" (S-62) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Extend the Solar Energy Rebate Program"

S.P. 244 L.D. 795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-67).**

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

READ ONCE.

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide State Funding for Fingerprinting of Educational Personnel"

S.P. 34 L.D. 90

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-64).**

Signed:

Representative:

EDGECOMB of Caribou

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reform Maine's School Funding"

S.P. 529 L.D. 1506

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-65).**

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senator **NUTTING** of Androscoggin requested a Division.

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

Senator **NUTTING:** Thank you, Madame President. L.D. 1506 was a bill that I did present to the Education Committee. I'm not holding great hopes of turning an 11 - 2 report, but on the other hand I can't resist putting some comments on the record. We have all struggled and I think for the next 6 weeks, I hope it's just for the next 6 weeks, we'll struggle with school funding issues. I know in Minnesota and Wisconsin they do school funding there based similar to what I proposed in L.D. 1506. What L.D. 1506 does is repeals the EPS school funding formula. What it does is take approximately \$50 million of new school funding money that the 110 minimum receivers in Maine have got for increases in the

last 2 years and puts that money into the property poor areas of Maine. If you support continuing to put new additional school funding money into districts that do the whole school budget on 4, 5, or 6 mils, then you will support the pending motion. Representing an areas of Maine as I do that has to raise between 14 and 18 mils to their budget, I can't, in good conscience, support the pending motion. I would urge you to oppose the pending motion. Thank you.

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

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I have often joined with the good Senator from Androscoggin, Senator Nutting, on many causes relating to school funding. I parted company with him on this particular bill because if I understand the drafting of the bill it would require the State to pay all school funding costs in excess of 8 mils raised locally. I fear it would, as crafted, return us to an expenditure driven model where we've had a fairly difficult time for 20 or 30 years before we introduced EPS 2 years ago. EPS is basically a system by which the State defines a denominator of total cost for education rather than to let the local spending increase and then subsidize whatever it is that has been spent. I think it is time that we defined the amount of money that is truly necessary to do a reasonable and adequate job of educating our children. That is the philosophy behind the EPS system. It is one that I have voted for repeatedly in the last several years. I'm not entirely pleased with the formula, but I would prefer to work out my difficulties and differences within the general policy formulation that lies behind EPS. I would not, at this juncture, repeal it. For that reason I urge that we do accept the majority Ought Not to Pass report and therefore vote favorably on the pending motion. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. The good Senator from Somerset, Senator Mills, is correct. On most occasions we have agreed on school funding issues. To me, I need to point out also on the record that EPS is an expenditure driven model. The 110 wealthiest school districts in Maine that have got this \$50 million of new money have spent all that money. That is an expenditure driven model, unfortunately. In the process, they have created close to private schools with very low mil rates, small teacher to student ratios, paid elementary coaching staff, and etcetera. These are things that those in the property poor areas in Maine just dream about. I'm amazed that the number one priority seems to be to look at all areas of school funding in Maine except the millions and millions of dollars that are going to the wealthiest districts in Maine. Somehow we can't touch that. That's just something I can't support. I would urge you to vote against the pending motion. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I, too, like the good Senator from Somerset, Senator Mills, respect greatly the efforts that my friend from Androscoggin, Senator Nutting, continually expresses concerning the allocation of school formula funding. We will be engaged in the most serious debate about that in the next few weeks. I think that was the sense of the Education Committee, to work on some of these issues. I think it's absolutely critical that we all understand one issue in terms of the flow of dollars to communities who did not receive those before. When the referendum was passed requiring the State to fund 55% of the cost of education there was another piece of that referendum which said special education is different. We understand the needs of special education students are really the responsibility of the entire State of Maine and the referendum question demanded that we pay the cost of special education, no matter how wealthy or how poor the district, looking at that as a very special set aside. I want to make sure that everybody understands that, but also to compliment the good Senator for raising continual questions about equity because we all share that concern and will be working collectively in a bi-partisan manner, I hope, in the next week or so as we come together with the final efforts towards administrative savings and the other issues we want to do. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Bowman 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 (#56)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DIAMOND, DOW, GOOLEY, HASTINGS, NUTTING, PLOWMAN, RAYE, SHERMAN, SMITH

ABSENT: Senator: BROMLEY

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit a Person from Serving as Both Municipal Tax Collector and Treasurer"
S.P. 374 L.D. 1122

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

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
HAYES of Buckfield
COTTA of China
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-66)**.

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York
JOY of Crystal

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Off Record Remarks

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)
H.P. 41 L.D. 40

Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services (EMERGENCY)
H.P. 537 L.D. 716

Bill "An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information"
H.P. 643 L.D. 844

Bill "An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government"
H.P. 928 L.D. 1320

Bill "An Act To Modify Daylight Savings Time According to Federal Statute"
H.P. 1172 L.D. 1663

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

House As Amended

Resolve, To Provide Access for Persons with Disabilities to Great Ponds
H.P. 24 L.D. 21
(C "A" H-82)

Bill "An Act To Recognize Gold Star Parents and Family Members"
H.P. 60 L.D. 62
(C "A" H-84)

Bill "An Act To Eliminate the Fee To Operate High-stakes Beano"
H.P. 74 L.D. 76
(C "A" H-83)

Bill "An Act To Require a Model Radon Standard for New Residential Construction"
H.P. 101 L.D. 109
(C "A" H-78)

Bill "An Act To Amend the Laws Pertaining to Beano"
H.P. 119 L.D. 127
(C "A" H-115)

Bill "An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority"
H.P. 132 L.D. 150
(C "A" H-92)

Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault"
H.P. 191 L.D. 220
(C "A" H-93)

Bill "An Act To Improve Access to HIV Testing in Health Care Settings"

H.P. 345 L.D. 429
(C "A" H-90)

Bill "An Act To Add the Combat Infantryman Badge to the Special Commemorative Decals for Veterans License Plates"

H.P. 379 L.D. 495
(C "A" H-107)

Bill "An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries"

H.P. 401 L.D. 523
(C "A" H-109)

Bill "An Act Relating to Liquor Samples"

H.P. 469 L.D. 620
(C "A" H-101)

Bill "An Act To Update Absentee Ballot Procedures"
(EMERGENCY)

H.P. 512 L.D. 663
(C "A" H-102)

Bill "An Act Concerning Applications Processed by the Maine Land Use Regulation Commission"

H.P. 526 L.D. 695
(C "A" H-95)

Bill "An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers"

H.P. 561 L.D. 740
(C "A" H-98)

Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office (EMERGENCY)

H.P. 586 L.D. 765
(C "A" H-79)

Bill "An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008" (EMERGENCY)

H.P. 594 L.D. 776
(C "A" H-100)

Bill "An Act To Amend the Driver's License Laws"

H.P. 612 L.D. 812
(C "A" H-99)

Bill "An Act To Provide an Energy Allowance to At-home Patients Using Ventilators"

H.P. 613 L.D. 813
(C "A" H-89)

Bill "An Act To Amend Certain Animal Health Laws"

H.P. 731 L.D. 971
(C "A" H-80)

Bill "An Act To Amend the Certification Requirements for Special-purpose School Teachers"

H.P. 734 L.D. 974
(C "A" H-103)

Bill "An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse"

H.P. 747 L.D. 987
(C "A" H-110)

Bill "An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor"

H.P. 754 L.D. 1036
(C "A" H-88)

Bill "An Act To Increase College Attainment"

H.P. 758 L.D. 1040
(C "A" H-104)

Bill "An Act Regarding Cable Television Service Outages"

H.P. 781 L.D. 1063
(C "A" H-111)

Resolve, To Establish the Maine Civil War Sesquicentennial Commission

H.P. 809 L.D. 1091
(C "A" H-85)

Bill "An Act To Create an Ownership Interest in Agency Liquor Store Licenses"

H.P. 817 L.D. 1124
(C "A" H-116)

Bill "An Act To Allow Municipal Cost Sharing for County Services"

H.P. 828 L.D. 1135
(C "A" H-81)

Bill "An Act To Require Clear Warnings on Light Bulbs Containing Mercury"

H.P. 876 L.D. 1234
(C "A" H-97)

Bill "An Act Regarding the Terms of Members of the Maine State Museum Commission"

H.P. 885 L.D. 1257
(C "A" H-105)

Bill "An Act To Establish the Columbia Falls Village Water District"

H.P. 921 L.D. 1303
(C "A" H-112)

Bill "An Act To Create a Utility District in Edgecomb"

H.P. 974 L.D. 1382
(C "A" H-113)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species

H.P. 1016 L.D. 1447
(C "A" H-91)

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

H.P. 1165 L.D. 1656
(C "A" H-114)

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

Senate

Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg
(EMERGENCY)

S.P. 106 L.D. 328

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality"

S.P. 335 L.D. 1018
(C "A" S-56)

Bill "An Act To Protect Consumers from Deceptive Insurance Solicitation"

S.P. 439 L.D. 1253
(C "A" S-57)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Expand the Definition of Health Care Facility under the Maine Health and Higher Educational Facilities Authority Act

H.P. 548 L.D. 727
(C "A" H-55)

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

Acts

An Act To Allow Military Personnel Stationed in Maine To Register All-terrain Vehicles As Residents

H.P. 149 L.D. 167
(C "A" H-58)

An Act To Establish an Airport Managers Training Program

H.P. 184 L.D. 213
(C "A" H-53)

An Act To Provide Medically Necessary Speech Therapy Services

H.P. 250 L.D. 306
(C "A" H-52)

An Act To Create Fairness in E-9-1-1 Funding

H.P. 425 L.D. 547
(C "A" H-57)

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

Off Record Remarks

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools

H.P. 1314 L.D. 1880

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** 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 Create the Competitiveness Training Fund and Improve Maine Employment Security Programs"
H.P. 1317 L.D. 1884

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** 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

Resolve, To Modify the 2007 Elver Fishing Season
(EMERGENCY)
H.P. 1316 L.D. 1883

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 (4/10/07) Assigned matter:

JOINT RESOLUTION - relative to Memorializing the President and the Congress of the United States to exempt school administrative units from the Federal No Child Left Behind Act of 2001 when student attendance falls below the state target due to excessive student absenteeism

S.P. 661

Tabled - April 10, 2007, by Senator **BOWMAN** of York

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

(In Senate, April 10, 2007, on motion by Senator **BOWMAN** of York, **READ**.)

On motion by Senator **BOWMAN** of York, **ADOPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/11/07) Assigned matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "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)

Tabled - April 11, 2007, by Senator **DAMON** of Hancock

Pending - motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

(In Senate, April 11, 2007, on motion by Senator **DAMON** of Hancock, **RECONSIDERED**.)

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

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

Senator **SULLIVAN:** Thank you, Madame President. I'm going to vote in opposition to this. You may wonder why, because I would be on the 12 members. This was heard at a time when we were hearing several other bills and I quickly left to present a bill. One of the disadvantages of every Senator here, when you are on a committee and you have to leave the room in order to go and present your own bill to another committee. Having done that, I missed the entire hearing. When it was time to sign the

jacket of the bill I simply looked where most of the members were, especially my two good Senators that I serve with, and I signed on with the majority. After having spoken to the Senator from Hancock, Senator Damon, who is the sponsor of the bill, I believed we needed a chance to look at that again. It very much deals with mobile homes and mobile home parks. I believe this is a discriminatory matter between owners of homes that rent out and owners of mobile parks. I'm going to ask you to please vote with me in order that we might have a chance to discuss this again in committee. I understand it is a 12 - 1 report. I understand that it is certainly the end of the session, but I would like to speak to my members again. I am going to support the Senator from Hancock, Senator Damon, and vote Ought Not to Pass.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (4/11/07) 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 11, 2007, by Senator **MARTIN** of Aroostook

Pending - **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

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

(In Senate, April 11, 2007, Reports **READ**. Motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#57)

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

NAYS: Senators: **BARTLETT**, **BOWMAN**, **BRANNIGAN**, **BROMLEY**, **BRYANT**, **DAMON**, **HOBBINS**, **MARTIN**, **MITCHELL**, **PERRY**, **ROTUNDO**, **STRIMLING**, **SULLIVAN**, THE PRESIDENT - **BETH G. EDMONDS**

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-34) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/25/07) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine" S.P. 83 L.D. 246

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-54)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 25, 2007, by Senator **DIAMOND** of Cumberland

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

(In Senate, April 25, 2007, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#58)

YEAS: Senators: **BARTLETT**, **BENOIT**, **BOWMAN**, **BRANNIGAN**, **BROMLEY**, **BRYANT**, **COURTNEY**, **DAMON**, **DIAMOND**, **DOW**, **GOOLEY**, **HASTINGS**, **HOBBINS**, **MARRACHE**, **MARTIN**, **MCCORMICK**, **MILLS**, **MITCHELL**, **NASS**, **NUTTING**, **PERRY**, **PLOWMAN**, **RAYE**, **ROSEN**, **ROTUNDO**, **SAVAGE**, **SCHNEIDER**, **SHERMAN**, **SMITH**, **SNOWE-MELLO**, **STRIMLING**, **SULLIVAN**, **TURNER**, **WESTON**, THE PRESIDENT - **BETH G. EDMONDS**

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-54) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/25/07) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity"
S.P. 65 L.D. 182

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-53)** (2 members)

Tabled - April 25, 2007, by Senator **DIAMOND** of Cumberland

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

(In Senate, April 25, 2007, Reports **READ**.)

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/26/07) Assigned matter:

Bill "An Act To Preserve Maine's Quality Places"
H.P. 1305 L.D. 1872

Tabled - April 26, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, suggested and ordered printed.)

(In House, April 25, 2007, **REFERRED** to the Committees on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT AND TAXATION**.)

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

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

Off Record Remarks

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

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

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Wednesday, May 2, 2007, at 4:00 in the afternoon.