

# 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  
Tuesday  
June 5, 2007

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

Prayer by Reverend Arlene Tully of Pleasant Street United  
Methodist Church in Waterville.

**REVEREND TULLY:** Let us be in a spirit of prayer. Almighty  
God, we ask Your blessing upon these members of the Senate  
gathered here. By Your grace grant them in their work this day  
clarity of thought, wisdom, and discernment. Guide their minds,  
hearts, and actions that they may be compassionate in spirit,  
courageous in the face of difficulty and thoughtful in their  
decisions.

Uphold these senators in their labors and help them to keep  
faithful to their calling, to serve the good people of Maine. Give  
them the courage to be guided by their conscious and their  
integrity rather than political pressure, expediency, or personal  
ambition. Inspire their deliberations and their decisions that they  
may be agents of Your will and sustain in them the bold hope of a  
future in which righteousness, justice and mercy prevail. Amen.

Pledge of Allegiance led by Senator Walter R. Gooley of Franklin  
County.

Reading of the Journal of Friday, June 1, 2007.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **EDUCATION AND  
CULTURAL AFFAIRS** on Bill "An Act To Require Legislative  
Review of Rules Governing the Requirements for Local Support  
Systems Required as Part of the Certification Process of  
Educational Personnel"

H.P. 1130 L.D. 1608

Majority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-329)** (10 members)

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

In House, May 30, 2007, 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-329)**.

In Senate, May 31, 2007, on motion by Senator **BOWMAN** of  
York, the Minority **OUGHT NOT TO PASS** Report **READ** and  
**ACCEPTED**, in **NON-CONCURRENCE**.

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

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

**Non-Concurrent Matter**

Bill "An Act Concerning Maine's Highway Safety Laws"  
H.P. 1284 L.D. 1844  
(C "A" H-270; H "A" H-333)

In Senate, May 30, 2007, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-270) AND  
HOUSE AMENDMENT "A" (H-333)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "A" (H-333)**, in **NON-  
CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate  
**RECEDED** and **CONCURRED**.

**COMMUNICATIONS**

The Following Communication: S.C. 371

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the 123rd Maine Legislature, the Joint Standing Committee  
on Education and Cultural Affairs has had under consideration the  
nomination of Joseph R. Hanslip of Sanford, for appointment to  
the Maine Community College System, Board of Trustees.

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

YEAS	Senators	1	Bowman of York
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Finch of Fairfield, Makas of Lewiston, McFadden of Dennysville, Muse of Fryeburg, Strang Burgess of Cumberland, Sutherland of Chapman
NAYS		0	
ABSENT		4	Rep. Farrington of Gorham, Rep. Harlow of Portland, Sen. Mills of Somerset, Sen. Mitchell of Kennebec

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Joseph R. Hanslip of Sanford, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Jacqueline R. Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 372

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Joanna M. Jones of Waldoboro, for reappointment to the Maine Community College System, Board of Trustees.

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

YEAS	Senators	2	Bowman of York, Mills of Somerset
	Representatives	9	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Makas of Lewiston, McFadden of Dennysville, Muse of Fryeburg, Strang Burgess of Cumberland, Sutherland of Chapman
NAYS		0	
ABSENT		2	Rep. Harlow of Portland, Sen. Mitchell of Kennebec

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Joanna M. Jones of Waldoboro, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Jacqueline R. Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

---

The Following Communication: S.C. 373

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Robert G. Foster of Blue Hill, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

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

YEAS	Senators	2	Bowman of York, Mills of Somerset
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Makas of Lewiston, Muse of Fryeburg, Strang Burgess of Cumberland, Sutherland of Chapman
NAYS		0	
ABSENT		3	Rep. Harlow of Portland, Rep. McFadden of Dennysville, Sen. Mitchell of Kennebec

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert G. Foster of Blue Hill, for appointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Jacqueline R. Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

---

The Following Communication: S.C. 374

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Honorable Michael D. Pearson of Enfield, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

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

YEAS	Senators	2	Bowman of York, Mills of Somerset
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Makas of Lewiston, Muse of Fryeburg, Strang Burgess of Cumberland, Sutherland of Chapman
NAYS		0	
ABSENT		3	Rep. Harlow of Portland, Rep. McFadden of Dennysville, Sen. Mitchell of Kennebec

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Michael D. Pearson of Enfield, for appointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Jacqueline R. Norton  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 375

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of John D. Bubier of Yarmouth, for reappointment to the Northern New England Passenger Rail Authority.

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

YEAS	Senators	2	Damon of Hancock, Savage of Knox
	Representatives	9	Browne of Vassalboro, Cebra of Naples, Fisher of Brewer, Hogan of Old Orchard Beach, Mazurek of Rockland, Peoples of Westbrook, Rosen of Bucksport, Theriault of Madawaska, Thomas of Ripley
NAYS		0	
ABSENT		2	Rep. Marley of Portland, Sen. Diamond of Cumberland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John D. Bubier of Yarmouth, for reappointment to the Northern New England Passenger Rail Authority be confirmed.

Signed,

S/Dennis S. Damon  
Senate Chair

S/Boyd P. Marley  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 376

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of John D. Clifford of Lewiston, for appointment to the Northern New England Passenger Rail Authority.

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

YEAS	Senators	2	Damon of Hancock, Savage of Knox
	Representatives	9	Browne of Vassalboro, Cebra of Naples, Fisher of Brewer, Hogan of Old Orchard Beach, Mazurek of Rockland, Peoples of Westbrook, Rosen of Bucksport, Theriault of Madawaska, Thomas of Ripley
NAYS		0	
ABSENT		2	Rep. Marley of Portland, Sen. Diamond of Cumberland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John D. Clifford of Lewiston, for appointment to the Northern New England Passenger Rail Authority be confirmed.

Signed,

S/Dennis S. Damon  
Senate Chair

S/Boyd P. Marley  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 377

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

May 31, 2007

The Honorable Beth Edmonds  
President of the Senate of Maine  
123rd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of Richard E. Valentino of Saco, for appointment to the Maine Turnpike Authority.

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

YEAS	Senators	2	Damon of Hancock, Savage of Knox
	Representatives	8	Marley of Portland, Browne of Vassalboro, Cebra of Naples, Fisher of Brewer, Hogan of Old Orchard Beach, Mazurek of Rockland, Peoples of Westbrook, Rosen of Bucksport
NAYS		0	
ABSENT		3	Sen. Diamond of Cumberland, Rep. Theriault of Madawaska, Rep. Thomas of Ripley

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard E. Valentino of Saco, for appointment to the Maine Turnpike Authority be confirmed.

Signed,

S/Dennis S. Damon  
Senate Chair

S/Boyd P. Marley  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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**ORDERS**

**Joint Order**

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

S.P. 720

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall hold a minimum of 10 meetings during the 2007 interim to receive information regarding and to review the MaineCare program. The review of the MaineCare program must include full exploration of a range of issues regarding MaineCare. The issues must include, but are not limited to:

1. The efficiency, cost-effectiveness, performance and fiscal soundness of the MaineCare program;
2. The potential for maximizing 3rd-party liability collections and other cost savings;
3. Analysis of MaineCare program delivery and options for improving delivery;
4. The roles that care coordination and disease management play in improving health outcomes and consequent reductions in utilization and costs;
5. Fulfillment of the obligations of the State in operating the MaineCare program;
6. The implementation of health care reforms in the MaineCare program during 2007, including clinical management and managed behavioral health care;
7. The relationship of the MaineCare program to the Dirigo Health Program and the elderly low-cost drug program;

8. The effect of the merger of the Department of Health and Human Services and the Department of Behavioral and Developmental Services on the MaineCare program and the delivery of MaineCare services; and

9. The transformation of the Department of Health and Human Services, Office of MaineCare Services.

The joint standing committee is authorized to submit legislation regarding the MaineCare program to the Second Regular Session of the 123rd Legislature.

**READ.**

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending the motion by Senator **BRANNIGAN** of Cumberland to **PASS**.

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#### **REPORT OF COMMITTEES**

##### **House**

##### **Ought to Pass**

The Committee on **TRANSPORTATION** on Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes  
H.P. 1353 L.D. 1919

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.  
Line

**READ ONCE.**

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

---

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

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Grant Supervisory Privileges to Qualified Independent Nurse Practitioners"  
H.P. 1120 L.D. 1598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**.

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

**READ ONCE.**

Committee Amendment "A" (H-386) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reduce Fraud in the Processing of Beverage Containers"

H.P. 1225 L.D. 1759

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-387)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**.

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

**READ ONCE.**

Committee Amendment "A" (H-387) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons"

H.P. 740 L.D. 980

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-366)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366)**.

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

**READ ONCE.**

Committee Amendment "A" (H-366) **READ** and **ADOPTED**, in concurrence.

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



The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine (EMERGENCY)

H.P. 881 L.D. 1239

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-365).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365).**

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

**READ ONCE.**

Committee Amendment "A" (H-365) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Definition of Autism and Eligibility for Services from the Department of Health and Human Services"

H.P. 1256 L.D. 1801

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-381).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-381).**

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

**READ ONCE.**

Committee Amendment "A" (H-381) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act Regarding the Reporting Requirements of Guardians and Conservators"

H.P. 284 L.D. 354

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-374).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374).**

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

**READ ONCE.**

Committee Amendment "A" (H-374) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife"

H.P. 455 L.D. 588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-375).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375).**

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

**READ ONCE.**

Committee Amendment "A" (H-375) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Improve the Protection from Abuse Laws"

H.P. 748 L.D. 988

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-376).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376).**

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

**READ ONCE.**

Committee Amendment "A" (H-376) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Protect Owners and Occupiers of Homes from Civil Liability"

H.P. 849 L.D. 1156

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396).**

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

**READ ONCE.**

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Resolve, To Continue the Tribal-State Work Group (EMERGENCY)

H.P. 891 L.D. 1263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395).**

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

**READ ONCE.**

Committee Amendment "A" (H-395) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Limit the Liability of Organized Clubs"

H.P. 1067 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-377).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-377).**

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

**READ ONCE.**

Committee Amendment "A" (H-377) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings"

H.P. 1292 L.D. 1853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-397).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397).**

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

**READ ONCE.**

Committee Amendment "A" (H-397) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements"

H.P. 215 L.D. 259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389).**

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

**READ ONCE.**

Committee Amendment "A" (H-389) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System"

H.P. 258 L.D. 323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-390).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390).**

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

**READ ONCE.**

Committee Amendment "A" (H-390) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act To Establish Penalties for Violation of the Severance Pay Law"

H.P. 308 L.D. 392

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391).**

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

**READ ONCE.**

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System"

H.P. 624 L.D. 827

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392).**

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

**READ ONCE.**

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act To Clarify Worker Payment for Clothing and Equipment"

H.P. 804 L.D. 1086

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-371).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371).**

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

**READ ONCE.**

Committee Amendment "A" (H-371) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases"

H.P. 887 L.D. 1259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-372).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372).**

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

**READ ONCE.**

Committee Amendment "A" (H-372) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act To Reimburse MaineCare in Certain Workers' Compensation Cases"

H.P. 922 L.D. 1314

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393).**

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

**READ ONCE.**

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage"

H.P. 1014 L.D. 1445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-394).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394).**

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

**READ ONCE.**

Committee Amendment "A" (H-394) **READ.**

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-394), in concurrence.

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The Committee on **LABOR** on Bill "An Act To Clarify the Use of Tips in Payment of Service Employees"

H.P. 1068 L.D. 1543

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370).**

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

**READ ONCE.**

Committee Amendment "A" (H-370) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require the Reporting of Executive Branch Lobbying"

H.P. 776 L.D. 1058

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-367).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367).**

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

**READ ONCE.**

Committee Amendment "A" (H-367) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **NATURAL RESOURCES** on Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY)

H.P. 1039 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-388).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388).**

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

**READ ONCE.**

Committee Amendment "A" (H-388) **READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Late, in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-388), in concurrence.

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The Committee on **TAXATION** on Bill "An Act To Increase the Property Tax Exemption for Veterans"

H.P. 154 L.D. 172

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-385).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385).**

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

**READ ONCE.**

Committee Amendment "A" (H-385) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Make Circuitbreaker Program Benefits Proportional If a Resident Moves"

H.P. 814 L.D. 1096

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-373).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373).**

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

**READ ONCE.**

Committee Amendment "A" (H-373) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation"

H.P. 1083 L.D. 1558

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-360).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360).**

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

**READ ONCE.**

Committee Amendment "A" (H-360) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08" (EMERGENCY)

H.P. 1307 L.D. 1875

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-382).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382).**

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

**READ ONCE.**

Committee Amendment "A" (H-382) **READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-382), in concurrence.

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**Divided Report**

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Access to Oral Health Care"

H.P. 822 L.D. 1129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-362).**

Signed:

Senators:

BROMLEY of Cumberland  
SCHNEIDER of Penobscot

Representatives:

BEAULIEU of Auburn  
SAMSON of Auburn  
AUSTIN of Gray  
MacDONALD of Boothbay  
PRESCOTT of Topsham  
SILSBY of Augusta  
SMITH of Monmouth  
CLEARY of Houlton

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

Signed:

Senator:

COURTNEY of York

Representatives:

BEAUDETTE of Biddeford  
RECTOR of Thomaston

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-362).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-362) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"

H.P. 353 L.D. 454

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-168).**

Signed:

Senators:

BOWMAN of York  
MILLS of Somerset

Representatives:

NORTON of Bangor  
FINCH of Fairfield  
MAKAS of Lewiston  
FARRINGTON of Gorham  
HARLOW of Portland  
SUTHERLAND of Chapman  
EDGECOMB of Caribou  
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 Not To Pass.**

Signed:

Senator:

MITCHELL of Kennebec

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-168) AS AMENDED BY HOUSE AMENDMENT "A" (H-384)** thereto.

Reports **READ.**

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow the Creation of a School District in Northern Franklin County"

H.P. 1205 L.D. 1722

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  
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" (H-405).**

Signed:

Representative:

EDGECOMB of Caribou

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Commissioner of Health and Human Services To Implement Representative Payee and Disability Specialists Programs

H.P. 1148 L.D. 1639

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

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
RAYE of Washington

Representatives:

PERRY of Calais  
WALCOTT of Lewiston  
GROSE of Woolwich  
MILLER of Somerville  
BEAUDOIN of Biddeford  
CONNOR of Kennebunk  
WALKER of Lincolnville  
LEWIN of Eliot  
FINLEY of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-408).**

Signed:

Representative:

CAMPBELL of Newfield

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)  
H.P. 103 L.D. 111

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-334).**

Signed:

Senators:

SCHNEIDER of Penobscot  
BENOIT of Sagadahoc  
BRANNIGAN of Cumberland

Representatives:

WEAVER of York  
BEAUDETTE of Biddeford  
SIROIS of Turner  
CURTIS of Madison  
JOY of Crystal  
BARSTOW of Gorham  
HAYES of Buckfield  
COTTA of China

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

Signed:

Representatives:

BOLAND of Sanford  
SCHATZ of Blue Hill

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 "C" (H-334).**

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "C" (H-334) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature  
H.P. 1201 L.D. 1718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-316).**

Signed:

Senators:

SCHNEIDER of Penobscot  
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham  
WEAVER of York  
SIROIS of Turner  
CURTIS of Madison  
JOY of Crystal  
HAYES of Buckfield  
COTTA of China

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BOLAND of Sanford  
BEAUDETTE of Biddeford  
SCHATZ of Blue Hill

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

H.P. 1164 L.D. 1655

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-331)**.

Signed:

Senators:

BARTLETT of Cumberland  
HOBBINS of York

Representatives:

BLANCHARD of Old Town  
RINES of Wiscasset  
BLISS of South Portland  
ADAMS of Portland  
BERRY of Bowdoinham  
HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport  
CURTIS of Madison  
FLETCHER of Winslow  
FITTS of Pittsfield

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-331)**.

Reports **READ**.

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Divided Report**

The Majority of the Committees on **NATURAL RESOURCES AND UTILITIES AND ENERGY** on Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

H.P. 1290 L.D. 1851

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-321)**.

Signed:

Senators:

MARTIN of Aroostook  
BARTLETT of Cumberland  
HOBBINS of York

Representatives:

WAGNER of Lewiston  
MIRAMANT of Camden  
EBERLE of South Portland  
KOFFMAN of Bar Harbor  
DUCHESNE of Hudson  
BABBIDGE of Kennebunk  
BLANCHARD of Old Town  
RINES of Wiscasset  
BLISS of South Portland  
ADAMS of Portland  
BERRY of Bowdoinham  
HINCK of Portland

The Minority of the same Committees on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-322)**.

Signed:

Senator:

SMITH of Piscataquis



Representatives:

HAMPER of Oxford  
ANNIS of Dover-Foxcroft  
AYOTTE of Caswell  
McDONOUGH of Scarborough  
THIBODEAU of Winterport  
CURTIS of Madison  
FLETCHER of Winslow  
FITTS of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321) AS AMENDED BY HOUSE AMENDMENT "A" (H-380)** thereto.

Reports **READ**.

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**, in concurrence.

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Senate

**Ought to Pass As Amended**

Senator **BROMLEY** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy"

S.P. 90 L.D. 253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-196)**.

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

**READ ONCE**.

Committee Amendment "A" (S-196) **READ** and **ADOPTED**.

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

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Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Community Safety by Amending Maine's Bail Code"

S.P. 169 L.D. 514

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-198)**.

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

**READ ONCE**.

Committee Amendment "A" (S-198) **READ** and **ADOPTED**.

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

---

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Stalking"

S.P. 681 L.D. 1873

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-199)**.

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

**READ ONCE**.

Committee Amendment "A" (S-199) **READ** and **ADOPTED**.

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

---

Senator **BRANNIGAN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"

S.P. 475 L.D. 1361

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-180)**.

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

**READ ONCE**.

Committee Amendment "A" (S-180) **READ**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-180).

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Senator **HOBBINS** for the Committee on **JUDICIARY** on Bill "An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient"

S.P. 371 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-189)**.

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

**READ ONCE**.

Committee Amendment "A" (S-189) **READ** and **ADOPTED**.

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

---

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers"  
S.P. 306 L.D. 955

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-190)**.

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

**READ ONCE.**

Committee Amendment "A" (S-190) **READ** and **ADOPTED**.

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

---

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Address the Reporting of Oil Spills"  
S.P. 138 L.D. 437

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-197)**.

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

**READ ONCE.**

Committee Amendment "A" (S-197) **READ** and **ADOPTED**.

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

---

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Provide a Tax Credit for the Purchase of a Hybrid or Clean Fuel Vehicle"

S.P. 12 L.D. 2

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195)**.

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

**READ ONCE.**

Committee Amendment "A" (S-195) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements"

S.P. 418 L.D. 1170

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

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec

Representatives:

PERRY of Calais  
WALCOTT of Lewiston  
GROSE of Woolwich  
MILLER of Somerville  
BEAUDOIN of Biddeford  
CONNOR of Kennebunk  
WALKER of Lincolnville  
FINLEY of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-194)**.

Signed:

Senator:

RAYE of Washington

Representatives:

CAMPBELL of Newfield  
LEWIN of Eliot

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Political Activities of Corporations"

S.P. 530 L.D. 1507

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-187).**

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort  
TRINWARD of Waterville  
PATRICK of Rumford  
TUTTLE of Sanford  
BLANCHETTE of Bangor

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish  
PINKHAM of Lexington Township  
NASS of Acton  
GOULD of South Berwick  
FITTS of Pittsfield

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Network Neutrality"

S.P. 580 L.D. 1675

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-192).**

Signed:

Senators:

BARTLETT of Cumberland  
HOBBINS of York

Representatives:

BLANCHARD of Old Town  
RINES of Wiscasset  
BLISS of South Portland  
ADAMS of Portland  
BERRY of Bowdoinham  
HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport  
CURTIS of Madison  
FLETCHER of Winslow  
FITTS of Pittsfield

Reports **READ.**

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Revise Maine's Utility Reorganization Laws"  
S.P. 679 L.D. 1866

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-191).**

Signed:

Senators:

BARTLETT of Cumberland  
HOBBINS of York

Representatives:

RINES of Wiscasset  
BLISS of South Portland  
ADAMS of Portland  
BERRY of Bowdoinham  
HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport  
BLANCHARD of Old Town  
CURTIS of Madison  
FLETCHER of Winslow  
FITTS of Pittsfield

Reports **READ**.

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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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 As Amended**

Bill "An Act To Make Maine Safer by Collecting DNA from Those Convicted of Felonies"

H.P. 334 L.D. 418  
(C "A" H-368)

Resolve, To Investigate Cellular Telephone Use and Driver Safety

H.P. 443 L.D. 576  
(C "A" H-349)

Bill "An Act To Establish a Fund to Provide American Flags at Veterans' Graves"

H.P. 1129 L.D. 1607  
(H "A" H-361 to C "A" H-319)

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

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#### **Senate As Amended**

Bill "An Act Relating to Uncollectible Cigarette and Tobacco Taxes"

S.P. 417 L.D. 1169  
(C "A" S-183)

Bill "An Act To Enhance the Workers' Compensation Board Advocate Program"

S.P. 506 L.D. 1439  
(C "A" S-179)

Bill "An Act Regarding All-terrain Vehicle Registration"

S.P. 712 L.D. 1912  
(C "A" S-186)

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

Sent down for concurrence.

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Bill "An Act To Amend the Tax Credit for Biofuel Production"  
S.P. 320 L.D. 1003  
(C "A" S-182)

### **READ A SECOND TIME.**

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

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

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### **ENACTORS**

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

#### **Emergency Measure**

An Act To Adjust the Levels of the State's Dairy Stabilization Program

S.P. 262 L.D. 852  
(C "A" S-139)

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.

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#### **Emergency Measure**

An Act To Adjust the Milk Handling Fee

H.P. 1030 L.D. 1468  
(C "A" H-306)

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.

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#### **Emergency Measure**

An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds

S.P. 564 L.D. 1620  
(C "A" S-145)

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.

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**Acts**

An Act To Amend the Family Medical Leave Laws  
S.P. 119 L.D. 375  
(C "A" S-121)

An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State  
S.P. 159 L.D. 472  
(S "B" S-137 to C "A" S-116)

An Act To Equalize MaineCare Reimbursements to Hospitals  
H.P. 499 L.D. 650  
(C "A" H-162; S "A" S-136)

An Act To Clarify the Exemption of Federal, State and Local Public Assistance Benefits under State Bankruptcy Law  
S.P. 246 L.D. 797  
(C "A" S-141)

An Act To Extend the Coyote Night Hunting Season  
H.P. 763 L.D. 1045  
(C "A" H-295)

An Act To Clarify the Laws Governing Landowner Liability  
H.P. 886 L.D. 1258

An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety  
H.P. 902 L.D. 1274  
(C "A" H-302)

An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance  
H.P. 934 L.D. 1326

An Act To Amend the Membership and Reporting Requirements for the Citizen Trade Policy Commission  
S.P. 542 L.D. 1519  
(C "A" S-155)

An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services  
S.P. 612 L.D. 1745  
(C "A" S-143)

An Act To Amend Certain Laws Administered by the Department of Environmental Protection  
S.P. 629 L.D. 1778  
(C "A" S-144)

An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools  
H.P. 1247 L.D. 1785  
(C "A" H-311)

An Act To Clarify Comprehensive Planning and Land Use Ordinances  
H.P. 1258 L.D. 1803  
(C "A" H-300)

An Act To Improve the Efficiency of the Maine Emergency Medical Services System  
H.P. 1283 L.D. 1841  
(C "A" H-315)

An Act To Prepare All Maine Students for Postsecondary Education, Career and Citizenship  
H.P. 1295 L.D. 1859  
(C "A" H-313)

**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 Establish a Labor Center within the University of Maine System and To Restore Lost Funding to the Bureau of Labor Education  
H.P. 115 L.D. 123  
(C "A" H-142; S "A" S-138)

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 Availability of Public Education Services from Child Development Services  
S.P. 99 L.D. 317  
(C "A" S-142)

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

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An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code  
H.P. 883 L.D. 1241  
(C "A" H-314)

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 Caps on Damages in Actions under the Maine Human Rights Act

H.P. 964 L.D. 1372  
(C "A" H-303)

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

An Act To Prevent Elder Prescription Drug Abuse

S.P. 511 L.D. 1463  
(C "A" S-159)

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

An Act To Amend the Laws Governing Reimbursement of Nursing Facilities

H.P. 1178 L.D. 1669  
(C "A" H-292)

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

An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods

S.P. 578 L.D. 1673  
(C "A" S-149)

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

An Act To Ensure End-of-life Care for Children with Terminal Illnesses

H.P. 1231 L.D. 1765  
(C "A" H-301)

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

An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community

H.P. 1260 L.D. 1805  
(C "A" H-309)

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

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**Resolves**

Resolve, Requiring the Maine Center for Disease Control and Prevention To Report on Activities To Implement the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education

S.P. 45 L.D. 137  
(C "A" S-158)

Resolve, Directing the Department of Public Safety, Bureau of Liquor Licensing and Compliance To Study the Retail Placement and Marketing of Spirits, Beer and Wine with Regard to Minors

H.P. 645 L.D. 846  
(H "A" H-305 to C "A" H-289)

Resolve, Regarding the Provision of Over-the-counter Medications in the MaineCare Program

S.P. 386 L.D. 1198  
(C "A" S-134)

Resolve, To Study Flood Control and Water Storage

S.P. 407 L.D. 1219  
(C "A" S-135)

Resolve, Regarding the Department of Audit's Municipal Internal Control Observation Program

S.P. 510 L.D. 1462  
(C "A" S-156)

Resolve, To Enhance Accountability in Tax Increment Financing

H.P. 1031 L.D. 1469  
(C "A" H-299)

Resolve, Directing the Department of Professional and Financial Regulation, State Board of Nursing To Amend the Rules for the Medication Course for Certified Nursing Assistants

S.P. 570 L.D. 1626  
(C "A" S-146)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1268 L.D. 1816  
(C "A" H-307)

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

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Senate at Ease.

Senate called to order by the President.

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

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**ORDERS OF THE DAY**

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

NOMINATION - of Joseph R. Hanslip of Sanford, for appointment to the Maine Community College System, Board of Trustees

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 371) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#100)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Joseph R. Hanslip** of Sanford, for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

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

NOMINATION - of Joanna M. Jones of Waldoboro, for reappointment to the Maine Community College System, Board of Trustees

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 372) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#101)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Joanna M. Jones** of Waldoboro, for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

---

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

NOMINATION - of Robert G. Foster of Blue Hill, for appointment to the Maine School of Science and Mathematics, Board of Trustees

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 373) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ** and **ORDERED PLACED ON FILE.**)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#102)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert G. Foster** of Blue Hill, for appointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

---

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

NOMINATION - of the Honorable Michael D. Pearson of Enfield, for appointment to the Maine School of Science and Mathematics, Board of Trustees

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 374) from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ** and **ORDERED PLACED ON FILE.**)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#103)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Michael D. Pearson** of Enfield, for appointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

---

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

NOMINATION - of John D. Bubier of Yarmouth, for reappointment to the Northern New England Passenger Rail Authority

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 375) from the Committee on **TRANSPORTATION, READ** and **ORDERED PLACED ON FILE.**)



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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#104)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John D. Bubier** of Yarmouth, for reappointment to the Northern New England Passenger Rail Authority was **CONFIRMED**.

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

---

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

NOMINATION - of John D. Clifford of Lewiston, for appointment to the Northern New England Passenger Rail Authority

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 376) from the Committee on **TRANSPORTATION**, **READ** and **ORDERED PLACED ON FILE**.)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#105)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John D. Clifford** of Lewiston, for appointment to the Northern New England Passenger Rail Authority was **CONFIRMED**.

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

---

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

NOMINATION - of Richard E. Valentino of Saco, for appointment to the Maine Turnpike Authority

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, June 5, 2007, Communication (S.C. 377) from the Committee on **TRANSPORTATION**, **READ** and **ORDERED PLACED ON FILE**.)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#106)**

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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

ABSENT: Senator: BROMLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Richard E. Valentino** of Saco, for appointment to the Maine Turnpike Authority was **CONFIRMED**.

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

**Off Record Remarks**

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws"

S.P. 646 L.D. 1817

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-200)**.

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

**READ ONCE.**

Committee Amendment "A" (S-200) **READ** and **ADOPTED**.

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

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

S.P. 275 L.D. 882

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-202)**.

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

**READ ONCE.**

Committee Amendment "A" (S-202) **READ** and **ADOPTED**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Household Pets and Other Animals from Poisoning"

H.P. 579 L.D. 758

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-399)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399)**.

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

**READ ONCE.**

Committee Amendment "A" (H-399) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure the Integrity of School Crisis Response Plans"

H.P. 193 L.D. 222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-415).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415).**

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

**READ ONCE.**

Committee Amendment "A" (H-415) **READ** and **ADOPTED**, in concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Enhance Special Education"

H.P. 635 L.D. 836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-417).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417).**

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

**READ ONCE.**

Committee Amendment "A" (H-417) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12

H.P. 1089 L.D. 1564

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-402).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402).**

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

**READ ONCE.**

Committee Amendment "A" (H-402) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Duplication in Certification of Medical Facilities"

H.P. 1243 L.D. 1781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-401).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401).**

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

**READ ONCE.**

Committee Amendment "A" (H-401) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Study Incentives To Encourage All-terrain Vehicle Registrants To Join Local All-terrain Vehicle Clubs  
H.P. 707 L.D. 932

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-410)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410)**.

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

**READ ONCE.**

Committee Amendment "A" (H-410) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Protect the Integrity of Security Deposits"  
H.P. 264 L.D. 330

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-420)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420)**.

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

**READ ONCE.**

Committee Amendment "A" (H-420) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Protect the Lives and Health of Members of the Maine National Guard" (EMERGENCY)

H.P. 1321 L.D. 1889

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-419)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**.

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

**READ ONCE.**

Committee Amendment "A" (H-419) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **NATURAL RESOURCES** on Bill "An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills"

H.P. 710 L.D. 935

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.

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

**READ ONCE.**

Committee Amendment "A" (H-411) **READ**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-411), in concurrence.

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The Committee on **NATURAL RESOURCES** on Bill "An Act To Promote Recycling of Cellular Telephones"

H.P. 1200 L.D. 1717

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-418)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.

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

**READ ONCE.**

Committee Amendment "A" (H-418) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY)

H.P. 1308 L.D. 1876

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-400).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400).**

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

**READ ONCE.**

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding"

H.P. 98 L.D. 106

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

Signed:

Senators:

MARRACHÉ of Kennebec  
PLOWMAN of Penobscot  
BRYANT of Oxford

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  
FITTS of Pittsfield

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

Signed:

Representative:

BLANCHETTE of Bangor

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

Reports **READ.**

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Amend Certain Harness Racing Laws  
H.P. 914 L.D. 1296  
(H "A" H-320)

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.

**Emergency Measure**

An Act To Permit the University of Maine System To Install Lines on Utility Facilities in Public Rights-of-way

S.P. 474 L.D. 1360  
(C "A" S-153)

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.

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court

H.P. 171 L.D. 200  
(C "A" H-339)

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education

H.P. 1269 L.D. 1821  
(C "A" H-312)

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

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry

H.P. 791 L.D. 1073  
(C "A" H-317)

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders

H.P. 1300 L.D. 1868  
(C "A" H-358)

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

H.P. 1306 L.D. 1874  
(C "A" H-352)

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program

H.P. 1100 L.D. 1575  
(C "A" H-335)

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.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (6/1/07) Assigned matter:

An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home

H.P. 1167 L.D. 1658  
(C "A" H-231)

Tabled - June 1, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, May 29, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)**, in concurrence.)

(In House, May 31, 2007, **PASSED TO BE ENACTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#107)**

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

NAYS: Senators: NASS, SMITH

ABSENT: Senator: BROMLEY

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent, 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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Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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

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

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Off Record Remarks

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

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After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"

H.P. 353 L.D. 454

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-168)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - June 5, 2007, by Senator **BOWMAN** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 1, 2007, 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-168) AS AMENDED BY HOUSE AMENDMENT "A" (H-384)** thereto.)

(In Senate, June 5, 2007, Reports **READ**.)

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

Senator **MITCHELL:** Thank you Madame President and colleagues of the Senate. I just want to put on the record that I am very much in favor of the Majority Ought To Pass report. I know it's not appropriate to discuss it at this time. The bill passed as amended in the other body, and this takes care of my enormous concerns that were being used against parents of truant children. I'll be happy to address it again at the appropriate time.

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-168) **READ**.

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

Senator **MITCHELL:** Thank you Madame President. I certainly do not want to stand in the way of adoption of this amendment. It is a very thoughtful attempt to deal with children, and I am talking about K through elementary school children who are absent for seven consecutive days or have ten unexcused absences during the school year. This started on a visit on my part to a local school here in Augusta, and the guidance counselor who had done everything in his power, talked to me about numerous young people, it's really shocking to me, who he could not get to school. He had visited their homes, he had used everything in his power. So the committee, of course, was anxious to do something about this. The first piece of legislation introduced created a criminal penalty. I was concerned that that might make a dysfunctional family have even more difficulties, so it includes a civil penalty. It also makes sure that the Department of Human Services looks at the circumstances surrounding this child's absenteeism as a matter of abuse and neglect. So I think it's a very appropriate way to deal with young people who are living in a situation where parents can't get them to school. I've very grateful to my colleagues on both sides of this chamber for trying to deal with a very tough situation.

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

Senator **WESTON:** Thank you Madame President, men and women of the Senate. I would concur. I think this amendment does improve this bill, and I would also concur that truancy is a major problem. My husband is a principal who has to write the letters every year, and every year he sees the number of letters increasing. So I think this may be a tool, although I've seen this

legislature work for many years on truancy and never seem to be able to make an improvement. We can hope that this does. I also, however, need to speak for the record that this in no way will influence or affect home schools. And I did not pursue putting this in the legislation, I think it's quite clear that this is about children who are enrolled in school, but I wanted to make sure to speak on the record that this in no way does affect home schools. Thank you.

House Amendment "A" (H-384) to Committee Amendment "A" (H-168) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-168) as Amended by House Amendment "A" (H-384) thereto, **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

H.P. 1201 L.D. 1718

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-316)** (9 members)

Minority - **Ought Not To Pass** (4 members)

Tabled - June 5, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, June 1, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.)

(In Senate, June 5, 2007, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

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

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



HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

H.P. 1164 L.D. 1655

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-331)** (8 members)

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

Tabled - June 5, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 1, 2007, 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-331)**.)

(In Senate, June 5, 2007, Reports **READ**.)

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

HOUSE REPORTS - from the Committees on **NATURAL RESOURCES AND UTILITIES AND ENERGY** on Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

H.P. 1290 L.D. 1851

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-321)** (15 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-322)** (9 members)

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**, in concurrence

(In House, June 1, 2007, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321) AS AMENDED BY HOUSE AMENDMENT "A" (H-380)** thereto.)

(In Senate, June 6, 2007, Reports **READ**.)

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

Senator **MARTIN:** Thank you Madame President. Madame President and members of the Senate, this bill was a bill that ended up being assigned to two committees. I hope it's a practice that we don't continue. It really creates confusion because in part the Natural Resources Committee dealt with environmental issues and then the Energy Committee dealt with issues dealing with energy. I think to demonstrate the confusion, when we had it in the Natural Resources Committee, we went through what was our responsibility and then we had a straw poll. Every single member voted for it. Then it went to the Utilities Committee and the push back started. I think that if it had been in one committee or the other, we would have been by far better off, and I think both committees would have been better off.

I would love to be able to say that I could speak for the entire Natural Resources Committee, because we were unanimous to begin with, and we feel strongly that this is an issue who's time has come and would urge everyone in this body that it is one of those times you can vote where you know that most of industry is very supportive of this process, and feels very strongly that it follow the rest of the east coast in order to accomplish something dealing with greenhouse gasses. And so I would urge everyone to be voting for this in a roll call, and not being requested, I request that a vote be taken by the yeas and nays.

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

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

Senator **BARTLETT:** Thank you Madame President. I rise in support of the pending motion. First of all I want point out a clarification. The Utilities Committee had also, in a straw poll, unanimously supported the bill. It was when we all got back together that we had a slight mishap. I think that has been actually fully corrected as part of an amendment that was put on by the other body. So hopefully we can come together united on this very important piece of legislation. Let me first give you a little bit of background on what this bill does, because it is such an important piece of legislation, perhaps one of the most important initiatives this year. Maine has joined nine other states as part of a regional greenhouse gas initiative. This bill would implement our participation. A regional greenhouse gas initiative seeks to cap the amount of carbon emitted from power plants. When we talk about greenhouse gases and global warming, one of the biggest contributors in this region is energy production. It sets a goal of reducing the amount of energy produced by ten percent. And it does that. Instead of using the old command-and-control regulation that everyone acknowledges is a very costly way to control environmental pollution, it adopts the economic model of cap-and-trade. This is widely supported and touted by Congress as the least costly way of achieving reduction. The cap-and-trade system works simply. Every state involved will have permits based on their current level of emissions. Those permits will be going to an auction and be sold. For power plants to continue to emit carbon dioxide, they have to buy one permit for every ton of carbon they emit. In Maine we have about six million permits, which is about three percent of the total in the ten-state region. When these permits are sold, revenue will flow back into the state from those six million permits we've sold. The money will be

used, initially, very judiciously. The first five dollars from any permit sold will go directly to energy efficiency to help Maine businesses and consumers become some of the most efficient users of electricity in the country. This will help them reduce the total cost of their energy use; it can be used on both the electricity side and for some other fossil fuel energy that they produce. It will also help them lower their usage and their cost of electricity. In the event that prices rise much higher than expected and exceed the five dollar per ton price, anything over five dollars received by the state will be credited directly back to ratepayers. That means that if prices go higher than expected, consumers will be held harmless, because there will essentially be a rebate for the cost of those permits.

The reason that this initiative is so important is that in addition to reducing carbon dioxide, which is the core contributor to global warming, this fits nicely with the energy policy we've been working to create here in Maine over the last several years. As part of the Maine Energy Council's work we developed four major goals that we needed to work toward in our energy policy. One, we wanted to lower the total cost of electricity produced. Two, we wanted to reduce the volatility of energy prices, which are hurting a lot of businesses and folks with fixed incomes. We also wanted to make sure we were minimizing the environmental impact of our energy production. And fourth, we wanted to make sure we were maintaining the reliability of our transmission system. By reducing carbon emissions, we are clearly contributing the environmental friendliness of our energy production. But beyond that, the investment energy efficiency through this initiative will help us to lower the total cost of energy to consumers, individuals, and businesses both small and large. It will help us reduce the volatility of prices, by helping us to shift away from fossil fuels.

The reality is that fossil fuels emit a lot more carbon than other forms of energy. The regional greenhouse gas initiative will help us to shift from the most polluting kinds of electricity generation to a much more diverse portfolio, including a lot more renewable energy. By doing so, we can help reduce the volatility of our energy prices. And finally, it will help us to maintain the reliability of our transmission system, because as electricity usage grows, we have to invest more and more money into the infrastructure to support growth, costing us a lot more money on our electricity bills. Through this effort, by investing energy efficiency, lowering the amount of electricity, and lowering the increase in the demand for electricity, we are helping to save ourselves the cost of building out our transmission system all the more. We believe that this policy fits very nicely with what we're trying to do locally. By working together, we will help put in place the policy in this ten-state region that can be copied nationally. Already we have several western states looking to do something very similar to the regional greenhouse gas initiative, and increasingly at a national level, Congress is talking about implementing some sort of cap-and-trade system. By getting out a little bit ahead of that curve, we will position our businesses, our generators, far better to deal with that national system than if we sit on our hands and wait. The investments we will make in energy efficiency will minimize the impact of any increased electricity costs down the road. By putting this in place, we will encourage the kind of generation Maine people want. Currently, sixty percent of electricity generation is through natural gas. There's no wonder we have serious price volatility problems. Because renewable energy like wind, solar, and tidal energy do not need to buy permits, they are benefited by the cap-and-pay

system. They won't have to buy a single permit. Those kinds of generation will be promoted through this effort. By having that kind of diversity in our portfolio in the coming years, we will again down the stretch be better situated as time goes by.

The final benefit of this bill is that we currently have serious air quality problems, not from our own generation of electricity, our own pollution, but from pollution that flows in from other states. From the mid-west, from New York, New Jersey, which have some very dirty electric generation. Because they are part of this, their generation from coal production, will become a lot more expensive. There will be a shift away from those dirty older plants to newer, cleaner technologies. That will help us to clean up the air we breathe. So whether you believe in global warming or not, whether you think that this ought to be pursued on the basis of reducing carbon emissions, one thing you know for sure is that we will all be able to breathe easier by shutting down some of the most polluting electricity generation in this ten-state region. And that will benefit us for generations to come. As a final note, some folks have asked me, and I've gotten e-mails from constituents saying, 'Gee, we don't know whether global warming is real and we don't think Maine should head down this avenue. Why are we doing this?' And the answer to that question is simple. We are part of a ten-state region; three percent of the electricity generation in this ten-state region comes from Maine. If Maine does not participate in RGGI, we will not have any permits to sell on this market, and the price of electricity which is set regionally, will go up anyway. When you have Massachusetts, Connecticut, New York, Rhode Island, Vermont, New Jersey, when you have all of these states in the initiative, the cost of electricity, if there is a price impact, it will be felt by Maine. We buy our energy on a regional market. So by participating, we get to sell the six million permits, we get money back that we can then use for best energy efficiency, or again, if prices go really high, there will be direct rebates to Maine consumers. So whether you like RGGI or not, or are a big fan of it or not, you should be supporting it. If you don't, if this does not succeed, Maine consumers will bear the brunt of the cost of the initiative and reap none of the benefits. This bill allows us to maximize the benefits to Maine consumers. That's what committees set out to do. The Utilities and Energy Committee and the Natural Resources Committee worked hard to develop a unanimous recommendation within the committees and I believe with the amendment offered by the other body we could have unanimous support for this bill in terms of the committee members. I sincerely hope you will join me in supporting this bill. It's a great day for Maine, it's a great day for the ten-state region, and it's a great day for the environment and for the cost of energy here in Maine. We are taking steps to lead the way and making sure to position ourselves as best we can for what's coming down the pike on a national basis. Thank you.

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

**Senator SMITH:** Thank you Madame President and members of the Senate. I concur with the comments of the Senator from Cumberland, Senator Bartlett. I think he's given you a very good background on what this bill is all about. I am not rising in opposition to the pending motion. There are, however, a few additional comments that I think are warranted, and I hope that when the Senate votes on this today that it will feel that it's had all of the information that is available to it. One additional fact that

did not come out, at least in the part of the debate that I heard, I've been in a committee hearing outside the chamber, is that the revenue that is going to be produced here is going to be somewhere between 24 and 60 million dollars based on a cap of five dollars per ton. That is going to be reflected in the rates that you are eventually going to pay for electricity, so there is a real cost to this. It is not something that is going to be a freebee or that is not going to have an impact on our economy. It is definitely going to have at least that much of an impact that we know of.

Reports that you have before you today, Majority and Minority reports, have been more or less joined to become the other body's amendment that's been spoken of. The reason for the two reports today is that I believe that this bill was in committee and placed on two fast tracks and there were a number of questions that at least the Minority of the committee were not able to satisfy themselves to on the fast track that we were on, and took the time to adopt a Minority report, which upon discussion later on with the chairs of the two committees, was found to be a fairly reasonable Minority report, and in essence we were able to come to terms on those additional items. The Minority report builds on the Majority report and adds a few items to it. The biggest concern in that Minority report, which is going to be reflected in the other body's amendment is that the oversight of this is very important. What the minority did not want to do is to see the bulk of the work get done late in 2008 when we were all off campaigning and nobody was really tending the shop here. It's critically important that these conservation and energy efficiency programs get put together in a way that is highly supported by the people of this state and by its representatives. By way of specifics, we were concerned about the development of specific timelines to establish the Maine Energy Conservation Board that would administer the efficiency programs. We wanted that to be moved up into an earlier timeframe that was indefinite in the original legislation. We now have a definite time on that. We were concerned about the specific timeline for the development of the major substantive rules that would be critical to lessening the impact of increased electric prices that are certain to flow from the implementation of this program. And again, it was indefinite in the original bill, we have some definite timelines there now.

The Minority report also calls for the restructuring of all of the energy efficiency programs that currently exist and will eventually exist under RGGI in one program that can be efficiently administered and overseen by the legislature, and duplication and redundancy will hopefully be minimized. The Minority report also called for a borrowing of necessary funds from the existing Efficiency Maine program to temporarily fund the start-up of the Energy Conservation Board which had been greatly delayed in the original LD because of these financial considerations, and these funds will be repaid when the RGGI tax kicks-in in 2009. The Minority report also called for a series of timely reports from agencies charged with overseeing the development of this program, including the efficiency criteria to be used in developing energy efficiency programs, and the evaluation measurements and systems that are going to be used to measure their effectiveness. Finally, the Minority report also calls for a summary of the estimated economic impacts of increased electricity costs through review of existing studies and by asking the State Planning Office to join that effort. When these aspects of the report were made known to the chairmen, much to their credit they agreed to much of it, and what we have is the other

body's amendment which takes a portion of these things and puts them into the bill. Much of the unallocated language that was in the Minority report is going to be handled through a letter which both sides have agreed is adequate, to go to the PUC and the DEP. That letter has been reviewed and is agreeable as well.

Finally, I want to make a few final comments that there are many in this legislature who are skeptical of the wisdom of leading Maine into a regional greenhouse gas initiative. Nonetheless, the governors of the Northeast region have done so and we are now confronted with the reality that we as Maine have little choice, as chairman Bartlett has suggested, but to do the very best job that we can in implementing this program. It is ironic that Maine has already met its 2018 CO<sub>2</sub> emissions goal under RGGI. It is also ironic that Maine will, in all likelihood, be called upon to increase the generation of electricity to offset generation curtailment and demand of other RGGI states. Since our generation capacity is now largely based on natural gas, our CO<sub>2</sub> emissions will likely increase to meet these demands. I predict that in the very near future, legislation will be required to amend this bill in order to bring Maine into compliance with a larger production of CO<sub>2</sub> than this bill presently contemplates. Electric rates are already too high in Maine and are one of the several factors that are causing businesses, and particularly manufacturers with high electric utilization, to fail and to leave the state. The fact is that electric rates are now 100 percent higher in Maine than they were just a short while ago in 2002, and this costs the Maine economy directly 500 billion dollars a year. According to testimony heard before the committee, RGGI will cost Maine consumers an additional 24 to 60 million dollars per year in higher electric bills. It is not at all clear that the efficiency programs contemplated by this legislature will be sufficient to offset the economic effect of these higher electric rates which will be felt under this legislation. Furthermore, small commercial and residential consumers will be at greater risk than most because they will perhaps be unlikely to take significant advantage of efficiency programs that have been spoken of. Furthermore, it is a simple fact that global warming and CO<sub>2</sub> emissions are still not well understood despite the political rhetoric that has surrounded this issue. There is great uncertainty about many aspects of it. To the extent that this is a problem, it is one that must be tackled on a global basis and simply cannot be dealt with effectively on a regional basis within the United States. Attempting to do so will place at risk the regional economy and many jobs within our region. You need only to look at current literature in this field. For instance, some time ago an economic study by the Charles River Associates suggested that the job loss as a result of implementing RGGI could well be over 120,000 jobs lost in this region between now and the year 2018. This is a very heavy price to pay for a program that may have no direct effect on global warming. I was interested to read of a paper recently published in the Geophysical Research Letters which talked with the National Center for Atmospheric Research that calculated that if the Kyoto Protocol, which has even loftier goals than RGGI, were fully implemented, it would avert only about seven one-hundredths degrees Celsius of global warming by the year 2050. I am not certain that all of this is correct. I am not certain that any of us have the real answers on global warming. But there is, to be sure, a great debate going on about it still and if we live to the year 2050, perhaps some of us will have the answer. With respect to the regional greenhouse gas initiative, Maine finds itself in a very unfortunate position where it cannot extricate itself from the effects of higher electricity cost because of the way

electricity pricing is set through ISO New England. In effect, if the other states, which are party to RGGI, proceed to implement it, the increased costs incurred by the sale of emissions allocations will be reflected in the regional price-setting mechanism at ISO New England, and Maine will be required to pay these higher prices, whether Maine is in or out of RGGI. Therefore, the only hope Maine has is to off-set these higher electric costs through these efficiency programs, as Senator Bartlett has indicated. Maine is in essence trapped into this program from which it cannot escape and would be paying higher electric prices, and our hope is that we can do a very, very good job of constructing these efficiency and conservation programs. And it is on that basis that I agreed that it is in the best interest of the State of Maine at this time, given the choices that we have, that we accept the Majority Ought To Pass report with the assumption that the other body's amendment is going to be very shortly adopted. Thank you for your time.

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

**Senator DOW:** Thank you Madame President and ladies and gentlemen of the chamber. I would like to thank the good senator from Cumberland, and the good senator from Piscataquis for talking about the monetary values of this bill and in pointing out that there probably will be some increase in costs. But I want to talk about environmental factors today. And I want to talk about costs that we may have to pay for should we not attempt to do something like this. And it isn't like Maine has to go it alone, because we've got nine other states in the Northeast with us. But it has been asked, 'Why Maine?' 'We're just a small state. How can Maine affect the global climate?' I would say to you that the leadership that Maine can show as a small state, as a small community, is as important as the larger states in bringing all small nations and states on-board this, what I consider, ethics bill. I think it's kind of ironic that the TV cameras aren't in here today for this bill. They're going to be here for the budget, but to me this is one of the most important bills that we can be on. I think Maine is ready to do its part. I am always happy to see the list of manufacturers that have signed on to this important bill, and the businesses that support this bill because they realize that the efficiencies that we can develop because of the benefits of the monies, and that this bill will help decrease our carbon dioxide input into the air. So to me, it's environmental, and it's about global warming. It's about our manufacturers and our businesses, and the people that live in our homes who can affect these changes even if it's one light bulb at a time. We can all play an important part in this goal. You don't have to be a multi-multi-millionaire to affect the world. Every person gets to benefit every other person, even if it's one person at a time. It is interesting to note that even countries like China are now starting to talk about carbon dioxide problems that they are going to face as they grow. They are second in emissions right now and I think they realize that they are going to surpass us as a nation because of their large coal reserves. They are also concerned about this global warming. I will admit the science isn't exact, but it seems to me quite a large contingent of scientists throughout the world, in the last ten years, have come on board and say the carbon dioxide emissions we are producing are causing some global changes. Finally, to shorten this up, I want to not only speak for manufacturers, businesses and homes that are on board, but for the new generation. My 12-year-old son came home one day and

said, 'Dad, we learned about global warming and that thing that causes it.' I said, 'carbon dioxide?' and he said, 'that's it.' All across the state and all across this nation, in all the schools, children are learning about global warming. They're doing it through the news stories that come into their classrooms regularly, whether they be historical, economic, or current events, they're learning about these things. Should we not act? That may be the crime – to not act. They are going to have the right to ask, in 10 or 15 years, 'if you knew there was a problem, why did you fail to act on it?' Today is a historical day. Today Maine people are going to act on this bill, and we are going to be leaders. We're not out there alone, but we are going to be leaders and we are going to show the world that it's important. Even this tiny state must come on board and support environmental concerns. And I can't resist recognizing where my environmental concerns come from. It all has to do with my family ties to Teddy Roosevelt, who I consider to be the greatest conservation president we ever had. I don't speak on his behalf, but I speak on behalf of my family who learned a great deal from that great president. Thank you Madame President.

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

**Senator MARTIN:** Thank you Madame President. Madame President it really is my pleasure to listen to the remarks of the Senator from Lincoln, Senator Dow because he is absolutely correct. I won't repeat any of the comments, but I do want to make three additional points. One, RGGI has cop-out ability for Maine as do the other states. Second, when we talk about higher electricity rates, we can just go back to the 60s as to why we are in this box today. It is because the Northeast refused to accept electrical power generating with taxpayer money as the rest of the country has done so effectively. We are paying the cost of that today in Maine. Finally, I am totally convinced that the American Legislative Exchange Council will only be able to accept global warming when Florida is under water.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#108)

**YEAS:** Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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 MARTIN of Aroostook to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321) Report, in concurrence, PREVAILED.

**READ ONCE.**

Committee Amendment "A" (H-321) **READ**.

House Amendment "A" (H-380) to Committee Amendment "A" (H-321) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto, **ADOPTED**, in concurrence.

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

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

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

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"  
S.P. 475 L.D. 1361

Tabled - June 5, 2007, by Senator **WESTON** of Waldo

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-180)**

(In Senate, June 6, 2007, Committee Amendment "A" (S-180) **READ**.)

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-180).

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements"  
S.P. 418 L.D. 1170

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-194)** (3 members)

Tabled - June 6, 2007, by Senator **WESTON** of Waldo

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

(In Senate, June 5, 2007, Reports **READ**.)

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

Senator **NASS:** Thank you Madame President and men and women of the Senate. This is a bill that I sponsored at the request of one of the largest mental health agencies in the state. I am just using this opportunity, although it's a minority, to at least make their point. There is a lot of pressure on our social service providers, there's no doubt. Certainly, all of us know that, and we have seen it through the budget process when we have heard from our providers. And it's not going to get better in the future. I don't see anything on the horizon that indicates we're going to come into a lot of money quickly to ease their issues, or provide them with more resources. So, Madame President, we've got to do something else, it seems to me, and this is one of the things. Relieving the pressure, letting them do less than they do now, and this accreditation thing is one of those things. As I understand it, this provider who gets accredited nationally, that is a costly venture. The requirements on their staff to get accredited nationally are significant. At the same time, the State of Maine wants to do the same thing. Well, maybe not quite the same thing, but we could make it the same thing. Why don't we think in terms of letting up, reducing their costs, allowing them to devote resources to other things, like taking care of whatever they take care of? Paying their people more, paying their electric bill, instead of duplicating. This is a situation of duplication, and I believe unnecessary duplication. So, not only is this a mental health provider problem, I have been involved in this same discussion in years past with nursing homes, the same thing. Requirements of the State that go on these providers are duplicative, and never seem to let up. We never have figured out a way to ask them to do less. This is one of those opportunities that is specific. We are going to hear more about this in the future. Madame President, thank you.

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

Senator **BRANNIGAN:** Thank you Madame President and members of the Senate. I certainly, absolutely agree, as someone who runs an agency. I agree with the senator that not only can we try to free-up what's going in the agency, but also all the resources that the state uses as they go about licensing, if we can make that happen. The whole issue of deemed status, meaning if you have this accreditation, then you don't go through as much licensing regulation. That is on the way. We have a group called the Administrative Process Advisory Committee that has been working on this. They are working on it. They're working on it more with hospitals first because that is the biggest chunk, and therefore the easiest because the JCAH is such a reputable group. Before we can get to just throwing off licensing, we've got to get to a point where each one of these accreditations and their very standards are approved, because there are differences. My organization was asked to take over a group, and when we walked in the place it looked like people had just got up and walked out. Coffee cups were still in the sink, and they had accreditation. The same one we have. We are very much in favor of this, and the state is underway with what they call crosswalk - looking between what their regulation is and what JCAH and what other accreditation organizations are. We felt comfortable in letting them go on to do their work, and I believe

that we made it very clear to them that we want to see progress next year. This is the best way to go at this time, Ought Not To Pass, and let this proceed in a rational manner. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#109)**

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

**NAYS:** Senators: BENOIT, BROMLEY, COURTNEY, DOW, GOOLEY, HASTINGS, HOBBS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-194) **READ** and **ADOPTED**.

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

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

**SENATE REPORTS** - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Network Neutrality"  
S.P. 580 L.D. 1675

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-192) (8 members)**

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

Tabled - June 5, 2007, by Senator **BARTLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 5, 2007, Reports **READ**.)

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

Senator **SMITH:** Thank you Madame President and members of the Senate. I just wanted to say a word about this before action is taken. Net neutrality is not a matter which should be before this legislature. It is a matter that is entirely pre-empted, explicitly so, under federal law and is exclusively the domain of the federal government. The original bill was improperly before this Senate, I believe, on that basis. What we have before us here is a Resolve that is designed to take its place in the sense it is a far less onerous piece of legislation. But still, it is important that it be defeated if it can be because it is sending the wrong message to the world that Maine is willing, in some small way even, to entertain a net neutrality debate, which is improper. It is a bill that was brought in here as a solution looking for a problem. There is no problem in this area, in my judgment, and I think that this whole matter ought to be disposed of. I would ask that you vote down the impending motion and accept the Ought Not To Pass report. Thank you.

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

Senator **BARTLETT:** Thank you Madame President. I rise to support the pending motion, and provide a little bit of background of what this bill endeavors to do. I would agree with the Senator from Piscataquis, Senator Smith, that there are questions about how the Internet can and should be regulated both federally and what opportunities there are at the state level, if any. In considering this bill, the original bill looked to delineate and place a framework of regulation. In the committee we felt we could not proceed with the information we had. I believe there have been arguments on both sides of this issue. There is a concern that the Internet remain free and open so there is not discrimination on who can post things on the Internet based on content. Most people I've talked to accept that as a premise. The question is whether that exists in reality or whether there are barriers that are being imposed. On the flip side, we want to make sure that we aren't setting up a framework where only anyone can post and consumers are excluded from accessing the Internet because the costs are so prohibitive in terms of operation. What this bill seems to do is simply ask the question 'what is going on at the federal level?' We know that there's a proceeding underway to consider issues with net neutrality. I believe that Senator Snowe has a bill dealing with this very issue at the federal level. We want to monitor the efforts at the federal level and figure out what impact those things have on consumers here in Maine, and then look at whether there is room for the state to regulate or not. In asking the question, we framed it in a way that is very neutral. It is not presuming an answer. We are simply asking, 'what's going on?' Bring back to us information about what's happening on the federal level, how many consumers are being affected. Then if we wanted to, we could consider action. So we are a long way from action. We are simply trying to gather information. I think it is good that lawmakers take the responsibility to gather all the facts before drawing conclusions, and that's what this simple Resolution seeks to do.

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

Senator **SMITH**: Thank you Madame President. I forgot to ask for a roll call if that hasn't been asked for.

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

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

Senator **TURNER**: Thank you Madame President, ladies and gentlemen of the Senate. I'm not sure that I'm the best equipped in this chamber to speak about the Internet, but I don't think it takes a rocket scientist to look at the progress our society has made since 1995 is pervasive. Our whole private lives are pervasive in business enterprises, for profit, not-for-profit. It's pervasive in our governing heads. I've been struggling to understand what costs we are going to incur during these tight financial times to have the Public Advocate undertake this study of a short duration and report back to us no later than the first of February, 2008. I just question if we understand what the cost of this study will be, if anyone would care to answer.

**THE PRESIDENT**: The Senator from Cumberland, Senator Turner has posed a question to the Chair to anyone who may answer.

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

Senator **HOBBS**: Thank you Madame President, men and women of the Senate. The fiscal note on this particular revised bill which is now in the form of a Resolve, is minimal. It can be bourn by the operating expenses of the Office of the Public Advocate, and that would be the answer to that question. After anyone else wants to respond, I would like to speak after anyone else's response.

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

Senator **RAYE**: Thank you Madame President. Madame President, I rise in support of the pending motion. Had the motion been on the original bill, I would not support it because I have concerns about the state's role in this entire issue. But I do believe we have a responsibility to learn as much as we can and to understand it fully. And I also believe that net neutrality is critical to ensure a level playing field well into the future for small businesses and consumers. I will be voting in favor.

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

Senator **HOBBS**: Thank you Madame President, men and women of the Senate. I understand this particular issue is new ground for this body and legislative bodies throughout the country. It's a whole issue, as the good Senator from Cumberland said, that's been very new and dynamic dealing with the idea of the Internet and broadband service throughout this state and throughout this country. The Majority report of this committee makes a 180 degree change from the original bill, a bill

which as drafted, I do not support. I have concerns that the original bill dealt in an area of federal preemption and potentially was in an area where it would not be Constitutional. The original bill would have called for state regulation of the Internet, which is in my opinion, an area of federal purview of law. The new Resolve explicitly recognizes the primacy of federal regulation in this area, and instead asks the Public Advocate to monitor and report on other state and federal activities relating to full, fair and nondiscriminatory access to the Internet, including an FCC inquiry relating to broadband practices issued just recently on April 18, 2007. I attempted in the original language of this Resolve which has been amended and has taken on the Majority report, to change the focus some to ensure that there be accessibility here in the State of Maine of the Internet so that there would not be barriers that would be placed before the full development of the broadband process in the State of Maine. I know there was a statement made by my good colleague and seatmate, the Senator from Piscataquis, and I probably do agree with him that at the present time that the original bill was a problem that does not exist. Having said that, I do think it's an appropriate forum for the Office of Public Advocate to look it through and to monitor and to review the pending legislation at the federal level, to look at the issue and review of the ConnectME authority and whether or not restrictions that would be placed at the state level would have a hindrance on capital infusion by major companies to build out broadband here in Maine. Unfortunately, the objectives and goals of the ConnectME authority of having full broadband authority over broadband service by the year 2010 of 100 percent is probably not going to take place. Presently, broadband coverage in the State of Maine is unfortunately around 20 percent, so we have a long way to go before this state will in fact be a ConnectME state. What I don't want to do, and I think the original bill would have done, is send a message to those companies who want to build up the broadband system in the State of Maine, and to assist with the connectivity of Maine, to send them the message that we are trying to put up some type of barrier. This bill is neutral in that language, and I believe it is a prudent step in the review of the whole issue of broadband Internet connectivity here in the State of Maine. So I urge you to support the Majority report.

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

Senator **WESTON**: Thank you Madame President, men and women of the Senate. First I'd like to thank the good Senator from Cumberland and the good Senator from York for help in defeating the original bill. I think it's important to note that original bill as written would have had disastrous consequences on the state. The original bill was nothing more than an attempt to regulate the Internet from the State of Maine, plain and simple. Maryland had a similar bill which was soundly defeated, largely based on the fact that the issue is a federal issue. The attorney general of Maryland, when asked to comment about it, said and I quote: 'It is well established that state laws that impose inconsistent state-to-state regulation on an area of interstate commerce, will be found to violate the commerce laws.' Now I'm pleased that this bill is amended, and it clearly acknowledges that this is a federal issue. However, I would urge you to oppose this seemingly harmless amendment for two reasons. First, it's entirely unnecessary. This study asks the Office of the Public Advocate to keep an eye on the activity on the federal level and



how that would impact the Internet access here in Maine. Now I have no doubt that the Office of the Public Advocate can and will be doing that without a piece of legislation telling them to. I'm confident that a simple letter from the committee would do the trick. It's also worth noting that there have been no instances where Internet access has been blocked or slowed since the FCC has agreed to monitor this matter, and I'm convinced that there's no action needed to be taken by any state or by any legislature. And secondly, and I think this is probably the most important, if I'm really concerned that this legislation, however harmless it may seem, is sending one more terrible message to the very people that we're relying on to do the upgrading that the networks need and increase access to broadband. The amendment creates a small sliver, but it's still a doubt and uncertainty for investors and companies doing business in Maine. And for no real reason. The activities outlined in this amendment are already happening at the federal level, and I believe will continue to happen. We have already chosen the right path regarding the Internet here in Maine with ConnectME, with our partnership that has been made with government and the private sector, I believe we are headed in the right direction. This message is the wrong signal to all those investors and businesses in Maine, and I would urge you to vote against the pending motion and support the Ought Not To Pass report. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#110)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DOW, HOBBS, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, RAYE, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DIAMOND, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator BARTLETT of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-192) **READ** and **ADOPTED**.

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

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

Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY)

H.P. 1039 L.D. 1477

Tabled - June 5, 2007, by Senator MARTIN of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-388)**, in concurrence

(In House, June 4, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**.)

(In Senate, June 5, 2007, Committee Amendment "A" (H-388) **READ**.)

On motion by Senator WESTON of Waldo, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-388), in concurrence.

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile" S.P. 535 L.D. 1512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-203)**.

Signed:

Senators:

DIAMOND of Cumberland  
McCORMICK of Kennebec  
SHERMAN of Aroostook

Representatives:

GREELEY of Levant  
HILL of York  
TIBBETTS of Columbia  
SYKES of Harrison

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



Signed:

Representatives:

GERZOFKY of Brunswick  
BLANCHETTE of Bangor  
HANLEY of Gardiner  
PLUMMER of Windham  
KAENRATH of South Portland  
HASKELL of Portland

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-203) **READ** and **ADOPTED**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act To Clarify the Tax-  
exempt Status of Ornamental Horticulture"  
H.P. 260 L.D. 325

Reported that the same **Ought to Pass as Amended by  
Committee Amendment "A" (H-406)**.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-406)**.

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

**READ ONCE**.

Committee Amendment "A" (H-406) **READ** and **ADOPTED**, in  
concurrence.

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

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The Committee on **TAXATION** on Bill "An Act To Support Farms  
and Limit Sprawl"

H.P. 997 L.D. 1414

Reported that the same **Ought to Pass as Amended by  
Committee Amendment "A" (H-407)**.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-407)**.

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

**READ ONCE**.

Committee Amendment "A" (H-407) **READ** and **ADOPTED**, in  
concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill  
"An Act To Create a Saltwater Recreational Fishing License"  
H.P. 1263 L.D. 1811

Reported that the same **Ought to Pass as Amended by  
Committee Amendment "A" (H-363)**.

Signed:

Senators:

DAMON of Hancock  
DOW of Lincoln

Representatives:

PENDLETON of Scarborough  
EATON of Sullivan  
MacDONALD of Boothbay  
McDONOUGH of Scarborough  
PERCY of Phippsburg  
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 as Amended by  
Committee Amendment "B" (H-364)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

FLETCHER of Winslow

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Senator **SULLIVAN** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **SULLIVAN:** Thank you Madame President. I would really prefer do something else with this bill, however both are Ought To Pass reports and this is a matter of we're going to get labeled with a tax fee increase because the federal government is already going to do it. And it will be seen as the Maine Legislature doing this. I understand that some of this money will go to search and rescue, and from the years that I spent on Marine Resources, through an allotment is how they do this. It's a Catch-22 situation. I know we voluntarily do some things for shellfish and volunteers made it mandatory and we actually shut down some businesses. We no longer harvest clams the way we used to. When the federal government gets involved and then we try to circumvent it by being ahead of it, because we might get some extra money back, rather than the federal government. This will happen and I will have a problem with it. I would have much rather had done something different. I didn't get a chance to say much when it was being discussed, so the only way I can see is to Indefinitely Postpone this and hopefully bring it up again next session and find a way to be able to do this. But we are going to be labeled with a huge new fee for a license and I will guarantee you that is how it will read. Not that there aren't some good things here, but we have two Ought To Pass reports and that's my only concern, and I will ask also that we have a roll call taken by the yeas and nays.

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

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

Senator **DOW:** Thank you Madame President. I'm going to support this motion to Indefinitely Postpone. The best I can do with this bill is to get it changed from a bill to a resolve and you can't always be sure what the federal government is going to do. Hopefully they are going to change their mind on this. The information they need does not have to be collected by having a fishing license, anyway. There are other ways to get the information they require.

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

Senator **DAMON:** Thank you Madame President, ladies and gentlemen of the Senate. I rise to urge you to defeat the pending motion to table this bill and all its accompanying papers. I think so because having heard all of the testimony regarding the issuance of saltwater recreational fishing license. Having received word from the head of the National Marine Fisheries Service, Dr. Bill Hobarth, that the federal government is indeed moving forward as part of the reauthorization of the Magnuson-Stevens Act, which is the act that allows us to have the 200 mile limit to our territorial waters, and in that 200 mile limit we have to manage the fishing stocks. When Congress reauthorized that Magnuson-Stevens Act in January of this year, it also included the provision for a registry for recreational anglers in the salt water. Our ability or our opportunity to fish in the salt water free of charge, is what I've heard referred to as one of the last true American freedoms. I will tell you that until a few years ago I would have thought that very same sentiment. Having grown up on the coast, Downeast albeit, but still on the coast, having been involved in fishing all my life, both commercially and recreationally, I certainly would have been opposed to this bill before us tonight. But times have changed. The stocks have been over-fished and we need to constantly manage those stocks if we are to have those fisheries available for future generations. One of the considerations that we have with regards to managing the fish stocks is how much of the population, how much of the fish biomass is taken by recreational anglers. One might think that with one hook and one line, what damage are we going to do, after all? Have you ever gone fishing for mackerel, for instance, and caught but one fish? There are estimated to be 370,000 people in Maine who go to our marine waters and cast a line to fish. And if indeed that is true, and if indeed they go more than once, and if indeed they're successful in catching fish, all of those are ifs. We don't know the answer to that now because we can't track them down, we can't find a way to collect the data. If all of those are true, we're impacting substantially the environments. We are regulating commercial fishermen out of existence. The ground fishing fleet in the State of Maine has been decreased by 45 percent over the last 10 years. These are people who earn their living from the sea, who support their families, support their communities, and they can't go to work. We are managing them out of existence. Are we managing them out of existence because it's their fault that they're catching too much, or because we don't know what the impact of recreational fishing is having on the stocks that they're trying to catch? And so, should we be recognizing and regulating that part of it too, so we can continue to keep people working? I don't know the answer to that, but that's the genesis of why there's going to be a federal salt water recreational fishing license registry. It will become effective on January 1, 2009. Dr. Hogarth told me personally that Congress has said that there cannot be a fee assessed to it for two years. So in 2011, there will be a federal fee for recreational fishing in our ocean. He also went on to say that any state, and there are presently 11 of them, by the way, this is not a new concept. If you've ever gone to Florida or North Carolina and wish to cast a line, there's a fee involved. New Hampshire, Massachusetts, and the rest of the New England states are all considering this same fee. If you've ever gone there, you've paid for it. And he said to me 'you can put something into effect where there will be a registry or licensure, that those fees should and ought to remain

in your state so that you can provide stock enhancement, you can provide protection, you can provide enforcement, you can provide access to the sea.' Those are all things that this bill, this resolve because it's now simply a study, are designed to do. To literally turn our backs on this at this moment because we haven't had enough input into it or we don't know enough about it, or we're uncomfortable with it, it's a poor decision for us to make legislatively. And it's a poor decision for us to make as a state. It's not a fun place to be to institute a regulation on something that has been unregulated in all of our history. Times have changed, this has changed, and I submit to you that we need to do this. So, if you would please vote down the impending motion, and support the previous motion, that would be most helpful.

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

Senator **SNOWE-MELLO:** Thank you Madame President and ladies and gentlemen of the Senate. I stand here today to explain to you why I also will support the pending motion. As you can see, I am on the Minority report. We couldn't find a way we couldn't support this bill, in the long run. So Representative Fletcher from the other body and I thought we would delay this as long as we can so perhaps we can create another solution. Well, I've been a busy little senator. While I was in Washington D.C., I visited the offices of Senator Snowe and Senator Collins to speak to them about this very matter. I was really concerned with the registry that was amended and put into the Magnuson-Stevens Act, and in my mind it was an unfunded mandate. It put the onerous on the State, and I understand where our committee wants to exempt Maine from the federal requirements by developing this saltwater fishing license, but once again we are taking away a simple pleasure that folks from Maine, New Hampshire, and Massachusetts, who come to our waters to enjoy themselves, to eat at our restaurants, and spend the day. We're taking away that very pleasure. Oh, they'll do it, but they're going to have to pay a fee. They're going to have to get a license. It's going to be the last area where folks don't have to pay for a license. And I think that's a shame. It's a huge ocean out there. I really think that we need to put this off as long as we can. While I was marching in that Memorial Day parade with Senator Collins, I took another opportunity to speak with Senator Collins about this registry that they want us to create. I asked her to please look for another way of doing this. I've been in conversations with her staff and Senator Snowe's staff in finding other solutions to this. I think that's what we need to do. Please vote with Senator Sullivan, Senator Dow and I on Indefinite Postponement. Next year perhaps we could look and we could speak and work with federal senators in changing this law. I think it's a possibility, and I think we can do it. I think it's a better option. Thank you very much.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

## ROLL CALL (#111)

**YEAS:** Senators: BENOIT, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

**NAYS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

## REPORTS OF COMMITTEES

### House

#### Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts"  
H.P. 1223 L.D. 1757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-379)**.

Signed:

Senator:  
PLOWMAN of Penobscot

Representatives:  
WEDDELL of Frankfort  
PINKHAM of Lexington Township  
TRINWARD of Waterville  
PATRICK of Rumford  
TUTTLE of Sanford  
NASS of Acton  
GOULD of South Berwick  
FITTS of Pittsfield

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

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford

(Representative BLANCHETTE of Bangor - of the House - abstaining.)

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

Senator **MARRACHÉ** of Kennebec moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence.

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

Senator **PLOWMAN:** Thank you Madame President, men and women of the Senate. I ask you to oppose this motion to Indefinitely Postpone. This was a divided report that came out of committee 11 to 2, Ought To Pass. It was brought before us by the small retail liquor businesses in the state, regarding the company that bought the liquor industry from the State of Maine, Maine Beverage. What this bill asks for is that the State of Maine, which is the only state not to have a transparent pricing formula for alcohol, to develop one. This bill was before my committee two years ago, and the executive director of BABLO, Mr. Gwadosky, asked us to please kill the bill and that he would work on developing a program. That did not happen, and the bill was brought back before us again. What a pricing formula would do, is it would show how the retailers can buy the liquor and at what discount they can buy the liquor, and how they can hope to expand their margin to take into account the increased cost of doing business in the State of Maine. This has become a huge problem because when we sold the liquor industry we guaranteed to Maine Beverage a profit of 36.8 percent. Then we entered into a profit-sharing/debt-sharing agreement with Maine Beverage. We actually negotiated a contract where the State of Maine would share in profit-sharing, half-and-half beyond 36.8 percent. Should we fall short of 36.8 percent, we could go in the hole. A hole that would be carried forward until the company finally made a profit, and the profit would be off-set by a loss. I don't know if any of you have made a sweetheart deal like that, but it's sure a good one. In the meantime, the arm of the government which sets the pricing, BABLO, has one very important goal: that's to make sure Maine Beverage makes money. As a result, it's very conflicted about developing a pricing plan to help the hundreds of small businesses who retail their products. Keep in mind that Maine Beverage cannot retail its products, it can only wholesale and distribute them. They need every shelf, every storefront, and every shopkeeper, to be able to open their doors and sell their product. Every year they make less and less money. What we have is a huge conflict of interest because the State's ties to Maine Beverage are almost incestuous. We have to make sure they make a profit so that we don't go in the hole. And we do it at the expense of small businesses all over the State of Maine. Unfortunately, politics took a huge turn with this bill and we ended up with this bill being heavily lobbied, and it still came out of committee 11 to 2. The lobbying took place after the fact. The

lobbying talked about some big guy making lots of money, but in actuality what we're talking about is a little guy at the break-even point. That is who is going to retail this stuff with a 10 percent margin, and that margin has been the same for some 16 years. Health costs didn't stay the same, energy costs didn't stay the same, tax costs didn't stay the same, wages didn't stay the same, liability insurance didn't stay the same, and workers' comp didn't stay the same. Those are all the things that come out your gross profit and take you down to your net profit. All of these things are part of what has to come out of the 10 percent. The reason we're being told that this isn't a good idea is because Allen's Coffee Brandy nets a huge 40 percent gross between the manufacturer and the distributor. None of that is passed onto the little guy, none of it, because we have to protect Maine Beverage. If you think that is the right idea, one that went into this negotiation, and two that we even made this good plan, if you think it's a good idea to let this go off the hook again, then I suppose you'll vote for the Indefinite Postponement. I would ask you not to, because I'd really like to see the Director have to come to grips with this. He's going to have to come to grips with it sooner or later, or we're going to have no, or very few, retailers able to do this. Then maybe distributors will have a problem because they won't have people who can market what they can't. With a little bit of legislative history on the committee I can tell you that once, it's shame on them; twice it's shame on me. I fell for this once, and we said, 'we'll let you do it on your own.' This time we're being asked again to let him do it on his own. Please don't join the 'shame on us' crowd. I would ask you to vote against this and to actually force the department to do its job and remember they have to look out for both ends of the spectrum, not just the end they're laying in bed with. Thank you. I request a roll call.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#112)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **FAILED**.

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

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

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

**ENACTORS**

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

**Act**

An Act To Protect Maine Homeowners from Predatory Lending  
H.P. 1301 L.D. 1869  
(C "A" H-354)

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

Senator **COURTNEY:** Thank you Madame President, men and women of the Senate. I am not going to offer an amendment, but before this train leaves the station, I just want to add a couple of things. One of the concerns I had when this bill first started to go through is that everybody was just a little too happy. It seemed that everybody was just too on-board with it. So I started to ask around and have a few concerns, and I think most of them have been answered to my satisfaction. I appreciate the good work of the committee and I appreciate the good work of the people who have been patient with me in answering all of these questions. I do still have some concerns, and I just want to lay them out there, and hopefully between all of us, as this bill is being ushered into law, we will be diligent and keep an eye on this as we go forward. There are some people who are in difficult situations now that I fear may be hurt going forward. If they have a house and they've been in one of these build-off loans, they may have difficulty refinancing. I do have a concern that we may inadvertently hurt some of these people we are trying to help. I've been assured that there's intent from the departments involved that we do our best to help these people and I hope that that happens, and I'd just like to speak about that.

One of the other concerns is that as I talked with a lot of people, some of the paid people around here, is the concern about someone losing their home. Some of them said to me that, 'well, they deserve to lose their homes – they shouldn't be in that situation – it's only going to get worse.' Well, I submit to those people, on the record, that I don't think this legislature is in a position to tell people they shouldn't own a home or have to give up their dream. Sometimes people get in situations beyond their control. Someone may lose a loved one, they've had an employment change with their job, and I want make us think about those people going forward. I just want to remind everybody about last session when we passed a bill that everybody thought was good, and it went under the hammer. That was the vernal pool legislation that everyone thought was so great, and instead we found out we undervalued a good part of the state. That's why I slowed the process a little bit. That's why I've thrown an amendment out there, because once I threw the

amendment out there, everybody seemed to want to talk with me about it. I'm glad we've had a chance for discussion. I do hope everybody will be diligent in following this bill. In the late 80s, early 90s, not only this state but across the country, had the savings and loan scandal. We had numerous laws passed and increased banking regulations, and we dried-up commercial credit in the early 90s, causing economic issues. I want to thank you all for allowing me to speak on the record. It really is important that we follow this through and there is no place for predatory lenders, but we don't want to hurt the very people we're trying to help. Thank you Madame President.

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

Senator **SULLIVAN:** Thank you Madame President. Madame President and men and women of the Senate, I just want to reassure the good Senator from York, Senator Courtney, that not everybody was happy. He needed to spend five hours in the hearing and then the work session on predatory lending. I can assure you that it didn't happen quite as fast as it looked, and there were a lot of strong opinions expressed. My guess is that that committee and our fine bankers and credit unions will stay on top of this. It is the right thing to do for Maine. We appreciate your support and we thank you for slowing us down, but I would have liked to have had you hurrying us up during the hearing. Thank you.

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

Senator **DOW:** Thank you Madame President, ladies and gentlemen of the chamber. I won't be very long. No bill that ever comes out, especially one as extensive as this, comes out perfect. This may need some changes later on. The things that will cause the changes will be that this problem is such a big problem nationally that the Congress is going to have to deal with it and at that time we're going to have to wed the two ideas to make sure everything meshes anyway. No one in Maine should be denied a home, but we must remember this: good banking practices make it possible for good loans to go out to purchase houses. A good loan is one that can be repaid. All banks want their customers to be successful. The banks do not want to repossess houses at all. As a matter of fact, if they do, they have federal regulations to deal with them that they must dispose of them within a short period of time. Banks are not allowed to hold on to property; that is not their purpose. Part of the purpose of this loan is to guarantee that we put loans out that people can afford, not at the teaser rates that they get into, but at the rates that they will eventually have when the regulations change and the fee structure may be too high. I think this is a good bill. Is it perfect? Probably not, but we will make some changes as necessary. Thank you very much.

On motion by Senator **MITCHELL** 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 Turner.

Senator **TURNER**: Thank you Madame President. I'd like to be able to borrow Senator Dow's voice so I could address you a little more loudly than my voice will allow me to. I plan to support this bill. I think some of us had some concerns about the low-doc, no-doc provisions and we had Will Lund from the consumer protection agency come before our caucus. I think he answered many, if not all, of our questions. I think on the federal level you're going to see that wonderful couple Freddie and Fannie issuing additional regulations with respect to those loans that they will purchase. That will be the turning point that will make this law really very, very effective on a going forward basis. I think one famous fellow once said that, 'you can rob more money with a pen than you can with a gun.' Those who operate in this industry at a sub-prime level have proved that in Maine and other states around the country. I had the misfortune of talking with a constituent a week or so ago who got switched and double-switched and ended up with a very high yield to the people who underwrote it. His disclosure statement that showed up after-the-fact indicated a \$30,000 origination fee for a \$250,000 piece of paper. The nicest thing I can say is that that's disgusting. I think that this, in conjunction with things that the feds will be doing puts Maine on the right track for those who are concerned about qualifying buyers operating in a market where there are low-doc or no-doc options. We should rest easy that those will be preserved in this bill and I urge your support for it. Thank you Madame President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#113)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

#### ENACTORS

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

#### Emergency Resolve

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

H.P. 1309 L.D. 1877

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

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

#### ENACTORS

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

#### Acts

An Act To Amend the Laws Governing Welfare  
H.P. 31 L.D. 29  
(C "A" H-351)

An Act Concerning Reduced Ignition Propensity Cigarettes  
H.P. 68 L.D. 70  
(C "A" H-338)

An Act To Prohibit the Use of Electronic Devices by Minors while Driving  
H.P. 143 L.D. 161  
(C "A" H-348)

An Act To Allow the Widening of a Portion of the Maine Turnpike  
S.P. 103 L.D. 320  
(C "A" S-150)

An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings  
H.P. 305 L.D. 389  
(C "A" H-340)

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

#### ENACTORS

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

**Acts**

An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases

H.P. 306 L.D. 390  
(C "A" H-341)

An Act To Establish a Mediation Process for Landlord-tenant Disputes

H.P. 508 L.D. 659  
(C "A" H-343)

An Act To Amend the Maine Human Rights Act

S.P. 222 L.D. 685  
(C "A" S-162)

An Act To Amend the Accord and Satisfaction Laws To Add Juveniles

S.P. 226 L.D. 709  
(C "A" S-163)

**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 Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses

S.P. 235 L.D. 768  
(C "A" S-154)

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

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

**ENACTORS**

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

**Acts**

An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments

H.P. 650 L.D. 861  
(C "A" H-318)

An Act To Amend the Wrongful Death Laws

H.P. 655 L.D. 866  
(C "A" H-344)

An Act To Address Eating Disorders in Maine

H.P. 762 L.D. 1044  
(C "A" H-359)

An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process

H.P. 829 L.D. 1136  
(C "A" H-336)

An Act To Prohibit Maine from Participating in the Federal REAL ID Act of 2005

H.P. 831 L.D. 1138  
(C "A" H-304)

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

**ENACTORS**

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

**Acts**

An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves

H.P. 890 L.D. 1262  
(C "A" H-353)

An Act To Clarify Restrictions on Accepting Campaign Contributions Laws

H.P. 950 L.D. 1341  
(C "A" H-337)

An Act To Provide Exceptions to the Games of Chance Laws for Children's Games

S.P. 500 L.D. 1422  
(C "A" S-168)

An Act Regarding Jury Service

S.P. 573 L.D. 1629  
(C "A" S-164)

An Act To Amend the Laws Relating to the Maine State Retirement System

H.P. 1221 L.D. 1738

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

**ENACTORS**

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

**Acts**

An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006

S.P. 633 L.D. 1789  
(C "A" S-165)

An Act To Facilitate Collection of Money Owed to the State  
H.P. 1265 L.D. 1813  
(C "A" H-346)

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

**ENACTORS**

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

**Acts**

An Act To Amend the Lodging Place Licensing Requirements to Support Small Businesses

H.P. 702 L.D. 927  
(S "A" S-172 to C "A" H-277)

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

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An Act to Repeal Delayed Estate Recovery

H.P. 730 L.D. 970  
(C "A" H-325)

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

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An Act To Exempt Vegetable Seeds from the Sales Tax  
H.P. 1173 L.D. 1664  
(C "A" H-308)

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

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An Act To Define the Process for a Municipality To Secede from a County

S.P. 656 L.D. 1840  
(C "A" S-148)

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

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

**ENACTORS**

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

**Resolves**

Resolve, To Preserve the Saco River

H.P. 752 L.D. 1034  
(C "A" H-357)

Resolve, To Encourage Increased Use of Biofuel in Maine

H.P. 852 L.D. 1159  
(C "A" H-347)

Resolve, Directing the Family Law Advisory Commission To Develop Legislation Authorizing the Use of Parenting Coordinators

H.P. 1237 L.D. 1771  
(C "A" H-345)

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/29/07) Assigned matter:

**Emergency Resolve**

Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division

H.P. 926 L.D. 1318  
(C "A" H-326)

Tabled - May 29, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In House, May 29, 2007, **FINALLY PASSED**.)

(In Senate, May 29, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**, in concurrence.)



On motion by Senator **DAMON** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-326), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-193) to Committee Amendment "A" (H-326) **READ** and **ADOPTED**.

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

Senator **DAMON:** Thank you Madame President, ladies and gentlemen of the Senate. The amendment guarantees that the audit that will be taking place with regards to the Public Health Division of the Department of Marine Resources will include the Department of Marine Resources as well as a seed grant for the University of Maine and a third-party well versed in conducting these audits. It is in that hope that I request that this item move forward. Thank you Madame President.

Committee Amendment "A" (H-326) as Amended by Senate Amendment "A" (S-193) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) AS AMENDED BY SENATE AMENDMENT "A" (S-193)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/30/07) Assigned matter:

Bill "An Act To Seek Direct Voter Approval To Exceed Government Spending Limits"

S.P. 562 L.D. 1618

Tabled - May 30, 2007, by Senator **DAMON** of Hancock

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 29, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. Committee Amendment "A" (S-128) **READ**. On motion by Senator **ROSEN** of Hancock, Committee Amendment "A" (S-128) **INDEFINITELY POSTPONED**.)

(In Senate, May 30, 2007, **READ A SECOND TIME**.)

Senator **SCHNEIDER** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

On motion by Senator **COURTNEY** 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 Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Madame President and members of the Senate. I would encourage you all to vote against the pending motion and allow this bill to go forward to benefit the citizens and taxpayers of the State of Maine. Just as a quick reminder of what this bill is all about, as we all know we have on the books now LD 1 which was passed last session, limitations on the growth rate for local government units. Many of the elected officials locally do a tremendous job spending their time and energy to pass budgets that are responsible and reasonable, and live within the growth limits. They will be untouched by any changes that are proposed in this bill. If, however, they find that they must go forward with an increase, then this bill requires they seek voter approval. That's the point of the measure. As we discussed the other day, this allows the voices of the citizens and taxpayers of the State of Maine to be heard. I encourage you to vote against the pending motion.

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

Senator **SCHNEIDER:** Thank you Madame President and men and women of the Senate. I'll be very brief. I will support the pending motion. As I said earlier, this bill has good intentions and I think it will do a great deal of harm to Maine municipalities in holding up the works when trying to deal with their budgets. Thank you very much.

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

Senator **SULLIVAN:** Thank you Madame President, men and women of the Senate. I'd like to pose a question, if I may, Madame President. If indeed this goes out to a vote of the voters of the municipalities, then I'm assuming there would be a charge for that. I know that's certainly true in my community. And then if it should be turned down, and another proposal is put on the table and that is turned down, it appears to me to be an unfunded mandate. I would be very curious to know if we can hand down unfunded mandates onto our municipalities.

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

Senator **ROSEN:** Thank you Madame President. I'm happy to respond to the question. It is in fact not an unfunded mandate as termed by the fiscal office because it does not require the school district or town to exceed the spending limit. They voluntarily exceed the spending limit, therefore they voluntarily generate the citizen referendum.

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

Senator **SCHNEIDER**: Thank you Madame President. There has been great discussion with regard to this issue and mandate. Personally, it is interesting that this bill did not have a mandate on it when I've seen other bills with similar situations that do have mandates. In fact, I called the Office of Fiscal and Program Review for just that very reason to discuss that. It seems that sometimes a mandate appears on a piece of legislation and sometimes it does not. I was told that if it would cost a municipality one postage stamp, then it would be slapped with a mandate. This bill, whether or not we want to consider it a mandate by the Office of Fiscal and Program Review or not, certainly there is evidence that municipalities have, in the past, exceeded their spending caps. If that is done, this bill will trigger a referendum, which of course, will be a burden on municipalities. Don't fool yourself. You are passing on an expense to any municipality that ends up exceeding the cap. Let's be clear on that. If you don't chose to support this motion to Indefinitely Postpone this bill and all its accompanying papers, and you do support passing this piece of legislature, make no bones about it, you're supporting a cost onto municipalities - not only in finance, but in unbelievable amounts of time. As I said before, this is a worthy goal, which is to enlighten citizens more about exactly what they are voting on. However, I think there are other ways and means that cost a lot less to communities in order to achieve just this goal. In fact, I discussed getting out better information from the Maine Municipal Association, who is not in favor of this bill. Thank you.

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

Senator **SULLIVAN**: Thank you Madame President. Madame President I am confused by the answer I received on that. I think the Senator from Penobscot helped me, but if the wheels of justice and democracy work, and a community chooses to exceed the cap, that's what democracy is all about. And if in choosing that we demand it go out to a vote, there is no way there cannot be a mandate on that. Somebody has to pay for that, and we have just created that by saying, 'if you and your city fathers and mothers chose to override that cap, and we demand you go to a municipality-wide vote, that has to be a mandate. That is unless you still believe in Santa Clause, and he or she is going to show up and pay for that mandate. It is a mandate. If we mandate that if you go over it you must go. You can wordsmith it, you can do semantics all you want, but there is a mandate there.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#114)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

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 (6/1/07) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Fund Pesticide Education in the State"

H.P. 1252 L.D. 1798

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-324)** (6 members)

Tabled - June 1, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 31, 2007, 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-324).**)

(In Senate, June 1, 2007, Reports **READ**.)

On motion by Senator **NUTTING** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-324) **READ** and **ADOPTED**, in concurrence.

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

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The Chair laid before the Senate the following Tabled and Later (6/1/07) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Use of Credit Cards To Purchase Wine, Beer and Spirits from Distributors"  
S.P. 595 L.D. 1688

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-185)** (6 members)

Tabled - June 1, 2007, by Senator **MARRACHÉ** of Kennebec

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

(In Senate, June 1, 2007, Reports **READ**.)

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

Senator **PLOWMAN:** Thank you Madame President, men and women of the Senate. This bill came before the Committee on Legal and Veterans Affairs and was amended. It comes out amending a 65-year-old law that says, 'when buying alcohol from a distributor, you pay in cash or check at the time of delivery.' As restaurants, inns, and small stores try to deal with deliveries that come in, they have found that they do not want to handle the large amounts of money or checks to an employee as they bring the deliveries. So some years ago there was a compromise made which said, 'give us a bunch of money and we'll hold it on your account, and we'll just deduct what you buy from this account that's your money, or let us into your checking account and we'll just take out what we like.' So I was asked to bring the bill which actually said, 'let us charge by credit cards.' I was turned down. With the small margins in alcohol that we just discussed, no one really wanted to assume a two to three percent cost for a credit card. So this bill added the words that 'a distributor may extend their own credit terms to the purchaser for a maximum of 14 days.' It takes the hammer that's being used in other states that says, 'if you don't pay, you will be subject to losing your license.' Now, you've got people saying what a bad idea this is, and I am absolutely impressed with the boogie men that came out of the closet on this one. Can you believe it? Retailers are going to go to New Hampshire to buy their alcohol in an illegal way and sell it in their establishments if we pass this law. This bill says, 'a distributor may extend credit terms – their own.' That means you limit it, you charge the amount you want, you set the rate the day that you extend credit for, and you can determine who is credit-worthy. There's no 'shall' anywhere in the bill. This bill brings us into the 21<sup>st</sup> Century and it says that you may, it changes just a few words, if someone should want to accommodate a very good credit-worthy client, that they are not prohibited by law. That's all it says. You don't have to do it. We can't make you do it. It just adds the provision. You might have a client that you'd like to accommodate and you may not do that now. You probably read the letter that says, 'restaurants go bankrupt overnight and so do small businesses.' Well I say they're probably not credit-worthy. Are you going to care that innkeepers who'd like to have this ask for a credit card up front? Well guess what, they don't know whose checking in. They have no prior contract with them. They have no business relationship with them. But I guarantee you that if it's a long-term client or

someone who uses their facility every month, they have a house account. It's a good business practice to take care of your client. It is an inconvenience sometimes to have to take care of your clients, and if you have cash and check upfront, you don't have to. And if the law backs you up, it's golden. So they don't care because they don't have to. I suggest to you that it's only a 'may.' And I will have no problem with changing a law to help keep the economy of good customers. No one can be forced. I would ask that you turn down the Majority Ought Not To Pass, and just put the 'may' in place so this might go forward. It's simple. I don't know what the hullabaloo is about. I absolutely was amazed. And I ask you to please vote to make this happen for some of the small businesses in Maine who'd like to not open their checking account and give big companies the right to hold hundreds of accounts worth of money to be swept every night into an interest-bearing account where they make money on the small guy who has to extend it out there to make sure that they can get a delivery. It doesn't quite seem right, does it? Let me in your checking account or give me the money ahead of time. I think it's just a small request and I would ask you to support the bill. 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. This bill came out with a majority vote of Ought Not To Pass for a particular reason. For the last 65 years Maine has had on the records 'cash only' to pay for liquor. And there's a reason for that. We regulate liquor in this state, and we regulate it for a reason. We don't want people to have the ability to buy way more than they can potentially. And we are trying to make sure that you buy only what you can use and sell, and that is not something that can be abused in any way. We should not be changing this law at all. We should leave it as is. It has not been a problem, so I would ask you to vote for the motion as it stands. Thank you.

At the request of Senator **ROSEN** of Hancock a Division was had. 18 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS**, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (6/1/07) Assigned matter:

An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission

H.P. 224 L.D. 268  
(C "A" H-220)

Tabled - June 1, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **SMITH** of Piscataquis to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, May 29, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220)**, in concurrence.)

(In House, May 31, 2007, **PASSED TO BE ENACTED**.)

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

Senator **BARTLETT:** Madame President, I rise in opposition to the pending motion. We previously debated this bill, this is a bill that simply makes some changes to the long-term contracting authority we gave the PUC last session in order to make it work better. There are only a couple of points of potential disagreement and it would be unfortunate to leave in place a statute that cannot work effectively on the basis of a couple items of disagreement. I oppose the pending motion and request a roll call.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#115)**

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **SMITH** of Piscataquis to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

**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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Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Amend the Tax Credit for Biofuel Production"  
S.P. 320 L.D. 1003  
(C "A" S-182)

Tabled - June 5, 2007, by Senator **MITCHELL** of Kennebec

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

(In Senate, June 5, 2007, **READ A SECOND TIME**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#116)**

**YEAS:** Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, 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 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills"

H.P. 710 L.D. 935

Tabled - June 5, 2007, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-411)**, in concurrence

(In House, June 5, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.)

(In Senate, June 5, 2007, Committee Amendment "A" (H-411) **READ**.)

Committee Amendment "A" (H-411) **ADOPTED**, in concurrence.

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

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

An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses

S.P. 235 L.D. 768  
(C "A" S-154)

Tabled - June 5, 2007, by Senator **BROMLEY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 30, 2007, **ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154).**)

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

**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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The Chair laid before the Senate the following Tabled and Later (6/1/07) Assigned matter:

An Act To Make Lobster Trap Molesting a Civil Offense  
H.P. 18 L.D. 16  
(C "A" H-74)

Tabled - June 1, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In House, May 30, 2007, **PASSED TO BE ENACTED.**)

(In Senate, May 31, 2007, **FAILED ENACTMENT**, in **NON-CONCURRENCE.**)

(In Senate, June 1, 2007, on motion by Senator **DAMON** of Hancock, **RECONSIDERED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#117)**

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

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

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

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Senator **BRYANT** of Oxford 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.

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

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Wednesday, June 6, 2007, at 10:00 in the morning.