

# 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

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

In Senate Chamber  
Friday  
June 15, 2007

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

Prayer by Senator Bill Diamond of Cumberland County.

**SENATOR DIAMOND:** Good morning. My great-great grandparents came from Ireland and settled in Bangor in the early 1900s and their name was Collins. The Collins' had a reputation of having bad tempers, being stubborn, fighting too much, and always had trouble with authority figures. But, they were a rather good looking crowd. My wife's family, on the other hand, came from Denmark. Her grandfather, Christian Wentha, came from Reba, Denmark and settled in Westbrook where he worked at the S.D. Warren Mill with his wife for nearly 50 years as laborers. They were hard-working proud people and they also had a proud history of the Danes. Remember the Danish miracle where the Danes in 1943 literally saved the lives of 7,500 Jews, getting them across the border to Sweden, or they otherwise would have certainly been killed. In their honor I want to share with you a family Danish prayer:

I Jesu naun gaa vi til bords at spise og drikke paa dit ord dig  
Gud til aere os til gaun saa faa vi mad, Jesu naun. Amen.

Reading of the Journal of Thursday, June 14, 2007.

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Enact the Informed Growth Act"  
H.P. 1262 L.D. 1810  
(C "A" H-355; S "A" S-236 to  
H "A" H-383; S "A" S-291)

In House, June 4, 2007, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND  
HOUSE AMENDMENT "A" (H-383).**

In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND  
HOUSE AMENDMENT "A" (H-383) AS AMENDED BY SENATE  
AMENDMENT "A" (S-236) thereto, AND SENATE  
AMENDMENT "A" (S-291), in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND  
HOUSE AMENDMENT "A" (H-383) AS AMENDED BY SENATE  
AMENDMENT "A" (S-236) thereto, in NON-CONCURRENCE.**

Senator **SCHNEIDER** of Penobscot moved the Senate **RECEDE**  
and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in  
Today's Session, pending the motion by same Senator to  
**RECEDE** and **CONCUR**.

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Restrict Tax Increases

S.P. 648 L.D. 1819  
(C "A" S-271)

In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-271).**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "B" (S-272), in  
NON-CONCURRENCE.**

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

**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Julia O'Leary, of Milford, who has been named Outstanding  
Community Service Volunteer of the Year by the Ladies Auxiliary  
of the Veterans of Foreign Wars. Ms. O'Leary is a member of the  
Gauvin-Fowler-Tupper-Stairs Old Town #3381. She serves on  
the Community Care Board in Old Town, is vice-chair on the  
school board in Milford and a member of School Union No. 90  
school board. She donates blood regularly and volunteers at the  
veterans home. We extend our appreciation to Ms. O'Leary for  
her commitment to the citizens of the State and congratulate her  
on her receiving this award;

SLS 314

Sponsored by Senator **SCHNEIDER** of Penobscot.  
Cosponsored by Senator: **ROSEN** of Hancock, Representative:  
**DUCHESNE** of Hudson.

**READ.**

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

Senator **SCHNEIDER:** Thank you, Madame President. I would like to take just a very brief opportunity to say my very heartfelt appreciation to Ms. O'Leary for her incredible service to my district. She has gone above and beyond the duty to make sure to look after her community and I greatly appreciate her efforts. Thank you, Madame President.

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

Senator **ROSEN:** Thank you, Madame President. I too would like to join in congratulating Ms. O'Leary for the work she has done. She represents Milford particularly well. Thank you.

**PASSED.**

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber, Julia O'Leary of Milford and her friend Shirley Bridgeman. Would they please rise and receive the greetings of the Maine Senate?

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## ORDERS

### Joint Resolution

On motion by Senator **MITCHELL** of Kennebec, under unanimous consent on behalf of President **EDMONDS** of Cumberland (Cosponsored by Speaker CUMMINGS of Portland and Senators: MARTIN of Aroostook, MITCHELL of Kennebec, Representatives: FAIRCLOTH of Bangor, PINGREE of North Haven) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 733

### JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT THE EMPLOYEE FREE CHOICE ACT

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

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internationally recognized as a fundamental human right; and

WHEREAS, union membership provides workers better wages and benefits and protection from discrimination and unsafe workplaces; and

WHEREAS, unions benefit communities by strengthening tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, workers want to organize, but cannot. More than 40,000,000 American workers say they would join a union now if they had the opportunity; and

WHEREAS, on paper American workers have the freedom to choose for themselves whether to have a union; in reality, workers across the nation routinely are denied that right; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards disappear; and

WHEREAS, many thousands of America's workers routinely are threatened, coerced or fired each year because they try to form unions; and

WHEREAS, most violations of workers' freedom to choose a union occur behind closed doors, and each year millions of dollars are spent to frustrate workers' efforts to form unions; and

WHEREAS, a worker's fundamental right to choose a union is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act, S. 1925 and H.R. 3619, has been introduced in the United States Congress in order to restore workers' freedom to join a union; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to express support for the Employee Free Choice Act, S. 1925 and H.R. 3619, which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily signs authorizations designating that union to represent them; provide for first-contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that Congress pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the National Labor Relations Board and to each Member of the Maine Congressional Delegation.

### READ.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by President **EDMONDS** of Cumberland to **ADOPT**.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass Pursuant to Resolve**

**The Working Group To Develop Options for the Long-term Renovation and Use of the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute** on Resolve, Regarding Options for Long-term Renovation and Use of the Buildings Formerly Occupied by the Augusta Mental Health Institute

H.P. 1366 L.D. 1927

Reported that the same **Ought to Pass**, pursuant to Resolve 2005, chapter 201.

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

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

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

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**Ought to Pass As Amended**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land  
H.P. 1360 L.D. 1922

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-583)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583)**.  
Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-583) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Cut Taxes on Maine Residents by over \$140,000,000"  
H.P. 1362 L.D. 1925

Reported that the same **Ought to Pass**, pursuant to Joint Order 2007, H.P. 1233.

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
WATSON of Bath  
CHASE of Wells  
PILON of Saco

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, pursuant to Joint Order 2007, H.P. 1233.

Signed:

Representatives:

CLARK of Millinocket  
LANSLEY of Sabattus

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

Reports **READ**.

Senator **STRIMLING** of Cumberland 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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**Senate**

**Ought to Pass As Amended**

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve MaineCare and Promote Employment"

S.P. 613 L.D. 1746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-319)**.

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

**READ ONCE.**

Committee Amendment "A" (S-319) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Reduce Duplication of Paperwork for Fuel Distributors" S.P. 455 L.D. 1307

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-320)**.

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

**READ ONCE.**

Committee Amendment "A" (S-320) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Streamline the Regulation of Agricultural Composters" S.P. 176 L.D. 564

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-318)**.

Signed:

Senators:  
NUTTING of Androscoggin  
SHERMAN of Aroostook

Representatives:  
PIEH of Bremen  
MAREAN of Hollis  
GIFFORD of Lincoln  
CARTER of Bethel  
LUNDEEN of Mars Hill  
CRAY of Palmyra  
EDGECOMB of Caribou

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

Signed:

Senator:  
ROTUNDO of Androscoggin

Representatives:  
PIOTTI of Unity  
PRATT of Eddington  
PINEAU of Jay

Reports **READ**.

Senator **NUTTING** of Androscoggin 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 **TAXATION** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

S.P. 318 L.D. 1001

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

Signed:

Senators:  
PERRY of Penobscot  
NASS of York

Representatives:  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:

Senator:  
STRIMLING of Cumberland

Representatives:  
RAND of Portland  
WATSON of Bath

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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**Divided Report**

Nine members of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend Maine's Bottle Laws"

S.P. 603 L.D. 1696

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-325).**

Signed:

Senators:

BROMLEY of Cumberland  
COURTNEY of York

Representatives:

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

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

Signed:

Representatives:

PRESCOTT of Topsham  
RECTOR of Thomaston

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-326).**

Signed:

Representative:

BEAUDETTE of Biddeford

Reports **READ.**

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-325).**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-325).**

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Off Record Remarks

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#### ENACTORS

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

#### Emergency Measure

An Act Related to Special Purpose Reinsurance Vehicles  
H.P. 982 L.D. 1390  
(C "A" H-456)

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

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The Chair laid before the Senate the following Tabled and Later (6/14/07) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment  
Recognizing the following students of the Bonny Eagle High School Envirothon Team

SLS 311

Tabled - June 14, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **HOBBINS** of York to **ADOPT**

(In Senate, June 14, 2007, on motion by Senator **HOBBINS** of York **READ.**)

**READ.**

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

Senator **HOBBINS:** Thank you very much, Madame President, men and women of the Senate. I'd like to first of all thank the co-sponsors and sponsors of this and also acknowledge Senator Courtney of York County as one of the co-sponsors, and in the other Body, the other co-sponsors are Representative Moore, Representative Robinson, Representative Farrington, and Representative Cressey, along with the Senator from Cumberland, Senator Diamond. It gives me great pleasure to provide you with a little background regarding this. This Envirothon is a natural resource problem-solving competition for high school students. We are very pleased that the Bonny Eagle High School team qualified for the national finals and will represent the State of Maine with teams from all over the United States and also Canada. We want to congratulate you on behalf of the Maine Legislature and the State of Maine for being scholars as well as good citizens. We wish you well in the competition. Thank you very much.

**ADOPTED.**

**THE PRESIDENT:** The Chair is pleased to recognize in the Gallery of the Chamber the students of the Bonny Eagle High School Envirothon Team. Would you please rise and receive the greetings of the Maine Senate?

**Emergency Measure**

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08  
H.P. 1307 L.D. 1875  
(C "A" H-382)

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.

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.

**Emergency Measure**

An Act To Clarify the Authority of Boards and Committees  
H.P. 1340 L.D. 1906  
(C "A" H-495)

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 Resolve**

Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population  
H.P. 773 L.D. 1055  
(C "A" H-501)

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.

**Emergency Resolve**

Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure  
H.P. 1264 L.D. 1812  
(C "A" H-458)

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.

**Mandate**

An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing  
H.P. 257 L.D. 313  
(C "A" H-522)

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

**Mandate**

An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility  
H.P. 1005 L.D. 1431  
(C "A" H-493)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

**Mandate**

An Act To Implement the Recommendations of the Right To Know Advisory Committee  
H.P. 1270 L.D. 1822  
(C "A" H-536)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Acts**

An Act To Make BETR Better  
H.P. 406 L.D. 528  
(C "A" H-453)

An Act To Extend Eligibility for the Trade-in Credit to All Trailers  
H.P. 770 L.D. 1052  
(C "A" H-497)

An Act To Enhance Enforcement of Public Health Measures  
H.P. 908 L.D. 1290  
(C "A" H-521)

An Act To Amend Survivors' Benefits under the Workers'  
Compensation Laws  
H.P. 935 L.D. 1327  
(C "A" H-504)

An Act To Facilitate the Reporting of the Crime of Acquiring Drugs  
by Deception  
H.P. 999 L.D. 1425  
(C "A" H-462)

An Act To Clarify the Laws Regarding Physicians  
H.P. 1032 L.D. 1470  
(C "A" H-449)

An Act To Permit the Use of Surety Bonds in Lieu of Security  
Deposits  
H.P. 1160 L.D. 1651

An Act To Establish the Publicly Supported Private Secondary  
School Advisory Council  
S.P. 601 L.D. 1694  
(H "B" H-465 to C "A" S-157)

An Act To Regulate Presettlement Lawsuit Funding  
H.P. 1186 L.D. 1703  
(C "A" H-511)

An Act To Make Changes in the Laws Regarding Raffles  
H.P. 1187 L.D. 1704  
(C "A" H-457)

An Act To Reduce the Spread of Infectious Disease through  
Shared Hypodermic Apparatuses  
H.P. 1248 L.D. 1786  
(C "A" H-486)

An Act To Amend the Licensing of Landscape Architects  
H.P. 1249 L.D. 1787  
(C "A" H-451)

An Act To Improve Road Safety and Update Bicycling Laws  
S.P. 643 L.D. 1808  
(H "A" H-447 to C "A" S-166)

An Act Regarding Fairness for Families Regarding Workers'  
Compensation Coverage  
H.P. 1298 L.D. 1862  
(C "A" H-475)

An Act Requiring the State Bureau of Identification To Report  
Persons Found To Be a Danger to Themselves or to Others to  
the National Instant Criminal Background Check System  
H.P. 1336 L.D. 1902  
(C "A" H-480)

An Act To Implement the Recommendations of the Working  
Group Studying Mold in Buildings  
H.P. 1337 L.D. 1903  
(C "A" H-514)

An Act To Stimulate Demand for Renewable Energy  
H.P. 1356 L.D. 1920  
(H "A" H-516)

**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 Take into Account the Crime Committed That  
Facilitated a Sexual Assault  
H.P. 131 L.D. 149  
(C "A" H-508)

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

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An Act To Implement the Recommendations of the Human  
Trafficking Task Force  
H.P. 360 L.D. 461  
(C "A" H-488)

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

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An Act To Fund the Purchase of Maine State Retirement System  
Time by Certain Veterans  
H.P. 427 L.D. 549  
(C "A" H-500)

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 Number of Disabled Veterans That Are  
Eligible for Complimentary Lifetime Licenses and To Create the  
Search and Rescue Fund  
H.P. 654 L.D. 865  
(C "A" H-540)

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 Funding To Support Research and Development in the University of Maine System  
H.P. 782 L.D. 1064  
(C "A" H-529)

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 Dyed Fuel from the Sales Tax  
H.P. 811 L.D. 1093  
(C "A" H-454)

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

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An Act To Implement the Recommendations of the Criminal Law Advisory Commission  
H.P. 882 L.D. 1240  
(C "A" H-479)

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

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An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion  
H.P. 1296 L.D. 1860  
(C "A" H-474)

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

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An Act To Change the Process for Applying for Reimbursement of Fuel Taxes  
H.P. 625 L.D. 828  
(C "A" H-525)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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**Resolves**

Resolve, To Promote Community Integration for Individuals with Brain Injuries  
H.P. 295 L.D. 365  
(C "A" H-518)

Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on the Motor Vehicle Excise Tax  
H.P. 605 L.D. 789  
(C "A" H-524)

Resolve, To Promote Health Care Insurance for Volunteer Public Safety Personnel through the Dirigo Health Program  
H.P. 686 L.D. 911  
(C "A" H-470)

Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations  
H.P. 757 L.D. 1039  
(C "A" H-461)

Resolve, To Assist Maine Local Land Trusts  
H.P. 793 L.D. 1075  
(C "A" H-452)

Resolve, To Increase Physical Education for Elementary School Students  
H.P. 1011 L.D. 1442  
(C "A" H-460)

Resolve, To Review Remote Access Medicine, Hospice and Home Health Care under MaineCare  
H.P. 1062 L.D. 1537  
(C "A" H-484)

Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing  
H.P. 1063 L.D. 1538  
(C "A" H-517)

Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation  
H.P. 1128 L.D. 1606  
(C "A" H-491)

Resolve, To Expand the Maine Registry of Certified Nursing Assistants  
H.P. 1197 L.D. 1714  
(C "A" H-485)

Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties  
H.P. 1203 L.D. 1720  
(C "A" H-487)

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Practice of Licensed Midwifery

H.P. 1275 L.D. 1827  
(C "A" H-450)

Resolve, To Analyze the Feasibility of Establishing an Education Bill of Rights for Deaf and Hard-of-hearing Children  
H.P. 1335 L.D. 1901  
(C "A" H-468)

**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

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Establish a Special Veterans License Plate for Motorcycles  
H.P. 199 L.D. 228  
(C "A" H-189)

Tabled - May 22, 2007, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**, in concurrence.)

(In House, May 17, 2007, **PASSED TO BE ENACTED**.)

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I wish to speak briefly to my motion. With regard to the removal of the cost component piece that required it to go to the table initially, that piece has been covered by a fee increase that they have agreed to and so there is no cost component. I would be pleased if we could remove this before it's enacted. Thank you, Madame President.

**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:

### REPORTS OF COMMITTEES

#### Senate

#### Ought to Pass As Amended

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment"

S.P. 426 L.D. 1225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-327)**.

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

**READ ONCE**.

Committee Amendment "A" (S-327) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

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

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On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 11:20 in the morning.

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:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases

S.P. 648 L.D. 1819  
(C "A" S-271)

Tabled - June 15, 2007, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271).**)

(In House, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272), in NON-CONCURRENCE.**)

On motion by Senator **NASS** of York, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271).**

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-271).**

On further motion by same Senator, Senate Amendment "A" (S-317) to Committee Amendment "A" (S-271) **READ.**

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 (#152)

YEAS: Senators: BENOIT, BOWMAN, BRANNIGAN, BRYANT, DAMON, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN, TURNER, WESTON

NAYS: Senators: BARTLETT, BROMLEY, COURTNEY, DOW, MITCHELL, ROTUNDO, SNOWE-MELLO, THE PRESIDENT - BETH G. EDMONDS

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **NASS** of York to **ADOPT** Senate Amendment "A" (S-317) to Committee Amendment "A" (S-271), **PREVAILED.**

Committee Amendment "A" (S-271) as Amended by Senate Amendment "A" (S-317) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#153)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BRYANT, DAMON, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, TURNER, WESTON

NAYS: Senators: BENOIT, BROMLEY, COURTNEY, DOW, MITCHELL, RAYE, ROTUNDO, SMITH, SNOWE-MELLO, THE PRESIDENT - BETH G. EDMONDS

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271) AS AMENDED BY SENATE AMENDMENT "A" (S-317) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make Criminal Background Checks and Department of Health and Human Services Child Protective Substantiation Checks on Volunteers More Affordable"  
H.P. 978 L.D. 1386

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

Signed:

Senators:  
BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
RAYE of Washington

Representatives:

PERRY of Calais  
GROSE of Woolwich  
MILLER of Somerville  
BEAUDOIN of Biddeford  
WALKER of Lincolnville  
CAMPBELL of Newfield  
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-582)**.

Signed:

Representatives:

WALCOTT of Lewiston  
CONNOR of Kennebunk

(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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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 Promote Forest Management Planning and Certification"

H.P. 558 L.D. 737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-585)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**.

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

**READ ONCE**.

Committee Amendment "A" (H-585) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act

S.P. 344 L.D. 1027  
(C "A" S-248)

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

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**Emergency Measure**

An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws

S.P. 635 L.D. 1791  
(C "A" S-244)

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

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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:

**ENACTORS**

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

**Emergency Measure**

An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax

H.P. 969 L.D. 1377  
(C "A" H-498; S "A" S-284)

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:

**Pursuant to Constitution  
Public Land**

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands  
H.P. 1347 L.D. 1913  
(C "A" H-520)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 35 Senators having voted in the affirmative and 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 Require Mapping of Conservation Easements and Public Lands

S.P. 92 L.D. 277  
(C "A" S-253)

An Act To Amend the Motor Vehicle Laws

S.P. 168 L.D. 513  
(C "A" S-242)

An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer

S.P. 312 L.D. 995  
(C "A" S-262)

An Act To Ensure Fairness for Maine Businesses

S.P. 323 L.D. 1006  
(C "A" S-260)

An Act Regarding Local Plumbing Inspectors  
S.P. 376 L.D. 1188

An Act To Reduce Foreclosures

S.P. 430 L.D. 1244  
(C "A" S-239)

**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 Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims  
S.P. 116 L.D. 372  
(C "A" S-251)

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 Maine Land Conservation Tax Incentives  
H.P. 422 L.D. 544  
(C "A" H-528)

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

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An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

S.P. 571 L.D. 1627  
(C "A" S-276)

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

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An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers

S.P. 577 L.D. 1672  
(C "A" S-257)

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

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An Act To Create the Competitive Skills Scholarship Fund and To Improve Maine Employment Security Programs  
H.P. 1317 L.D. 1884  
(C "A" H-503)

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

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An Act To Allow Blended Sentencing for Certain Juveniles  
S.P. 691 L.D. 1897  
(C "A" S-277)

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:

##### Acts

An Act To Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age

S.P. 518 L.D. 1491  
(C "A" S-256)

An Act To Repeal Strict Foreclosure

S.P. 561 L.D. 1617  
(C "A" S-255)

An Act To Expand Exemptions from Licensing Laws for Professional Engineers

S.P. 566 L.D. 1622  
(C "A" S-240)

An Act To Amend the Child and Family Services and Child Protection Act

S.P. 596 L.D. 1689  
(C "A" S-247)

An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors

S.P. 617 L.D. 1750  
(C "A" S-249)

**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 Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs  
H.P. 1009 L.D. 1440  
(C "A" H-481)

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

Senator **ROSEN:** Thank you, Madame President. The reason I ask that the bill be set aside is to pose a question. As I read the language of the amended version of the bill, it proposes to prohibit the sale or distribution of computer software that influences, or attempts to influence, prescribing physicians. Hospitals are exempt and hospital pharmacies are exempt, but all other prescribers, as I read this language, aren't exempt. I'm just curious as to why prescribers that perhaps would be physicians practicing in a federally qualified health center, rural health center, or private practice come under this restriction, while hospitals, as an example, are exempt?

On motion by Senator **BRANNIGAN** 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:

##### Act

An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination

S.P. 666 L.D. 1850  
(C "A" S-267)

On motion by Senator **MITCHELL** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-267).

On further motion by same Senator, Senate Amendment "A" (S-296) to Committee Amendment "A" (S-267) **READ**.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues of the Senate. This bill has a long title and this amendment simply makes the bill do what the title says it does. In my haste to pass the bill along, I failed to put the amendment on the books and that's the purpose of all the reconsiderations. All pertinent agencies are tasked with overseeing similar issues, and in this case, early childhood special education areas. The Department of Education and the Department of Health and Human Services must work together to make sure that young people are identified so that they can get the services they need. The bill requires the Department of Education and the Department of Health and Human Services to formalize a procedure for the early identification of birth to five, and to make sure those children are referred properly to child development services. Thank you.

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

Senator **RAYE:** Thank Madame President. I just rise today in support of the Senator from Kennebec, Senator Mitchell's amendment and to note that this language was considered by the Health and Human Services Committee and received its unanimous support.

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

Senator **MILLS:** Thank you, Madame President. I have a question concerning this if anyone can answer it. One of the policy decisions made on the Education Committee was that the education department would be made the lead agency for purposes of administering the CDF system. I haven't had a chance to read this several page amendment, but I'm wondering if this is any alteration of that underlying policy.

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

Senator **MITCHELL:** Thank you, Madame President. In answer to the question, there is no intent to change the lead agency in administering child development services. This is rather an informational loop that would require the Department of Human Services to notify the Department of Education and create rules for making that happen and the way that works. As a matter of fact, years ago there existed a similar official structured program for these two departments to talk about birth through five. These are the ones who often fall through the cracks. It's simply a formalization of what the agencies say they're doing and we want

to make sure they do that in a way that we understand as legislators or as a parent with a special needs child.

On motion by Senator **MITCHELL** of Kennebec, Senate Amendment "A" (S-296) to Committee Amendment "A" (S-267) **ADOPTED**.

Committee Amendment "A" (S-267) as Amended by Senate Amendment "A" (S-296) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267) AS AMENDED BY SENATE AMENDMENT "A" (S-296) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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Off Record Remarks

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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 Prevent Disclosure of Certain Identifying Information in Child Protective Proceedings

S.P. 677 L.D. 1864  
(C "A" S-254)

An Act To Repeal Inactive Boards and Commissions

H.P. 1319 L.D. 1885  
(C "A" H-496; S "A" S-283)

An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection

S.P. 687 L.D. 1888  
(C "A" S-263)

An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority

H.P. 1332 L.D. 1899  
(C "A" H-533)

An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management

S.P. 708 L.D. 1908  
(C "A" S-238)

**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:

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws"

H.P. 1222 L.D. 1739

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-591)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-591)**.

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

**READ ONCE.**

Committee Amendment "A" (H-591) **READ** and **ADOPTED**, in concurrence.

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

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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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Prescription Privacy Law"

H.P. 5 L.D. 4

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-584)**.

Signed:

Senators:

BRANNIGAN of Cumberland  
RAYE of Washington  
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 Not To Pass**.

Signed:

Representative:

LEWIN of Eliot

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

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-584) AS AMENDED BY HOUSE AMENDMENT "A" (H-594)** thereto.

Reports **READ**.

Senator **BRANNIGAN** of Cumberland 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.

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Senate at Ease.

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:

**Emergency Measure**

An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act

S.P. 344 L.D. 1027  
(C "A" S-248)

Tabled - June 15, 2007, by Senator **PLOWMAN** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-248).**)

(In House, June 15, 2007, **PASSED TO BE ENACTED.**)

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

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Prescription Privacy Law"

H.P. 5 L.D. 4

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-584)** (11 members)

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

Tabled - June 15, 2007, by Senator **BRANNIGAN** of Cumberland

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

(In House, June 15, 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-584) AS AMENDED BY HOUSE AMENDMENT "A" (H-594)** thereto.)

(In Senate, June 15, 2007, Reports **READ.**)

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-584) **READ.**

House Amendment "A" (H-594) to Committee Amendment "A" (H-584) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-584) as Amended by House Amendment "A" (H-594) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584) AS AMENDED BY HOUSE AMENDMENT "A" (H-594)** thereto, in concurrence.

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

**ENACTORS**

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

**Resolves**

Resolve, To Assist Veterans in Need of Shelter  
H.P. 511 L.D. 662  
(C "A" H-459)

Resolve, Directing the Department of Economic and Community Development To Review and Report on Whether a State Tax Increment Financing Structure Should Be Established To Support Economic Development in Washington County  
H.P. 560 L.D. 739  
(C "A" H-523)

Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Advance the Redevelopment of Mill Buildings  
H.P. 596 L.D. 780  
(C "A" H-499)

Resolve, To Determine the Impact of Funding for State Higher Education on the Distribution of Higher Education Costs among Families, Taxpayers and Publicly Supported Institutions of Higher Education  
S.P. 355 L.D. 1103  
(C "A" S-269)

Resolve, To Create Improved Employment Opportunities for People with Disabilities  
S.P. 515 L.D. 1467  
(C "A" S-258)

Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on Excise Tax Enforcement  
H.P. 1190 L.D. 1707  
(C "A" H-526)

**FINALLY PASSED** 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:

Act

An Act Regarding the Valuation of Land within Buffer Areas  
Established under the Natural Resources Protection Laws  
H.P. 437 L.D. 559  
(C "A" H-505)

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

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On motion by Senator **MITCHELL** of Kennebec,  
**RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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#### ORDERS OF THE DAY

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

Bill "An Act To Enact the Informed Growth Act"  
H.P. 1262 L.D. 1810  
(C "A" H-355; S "A" S-236 to  
H "A" H-383; S "A" S-291)

Tabled - June 15, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In House, June 4, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND HOUSE AMENDMENT "A" (H-383).**)

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND HOUSE AMENDMENT "A" (H-383) AS AMENDED BY SENATE AMENDMENT "A" (S-236) thereto, AND SENATE AMENDMENT "A" (S-291), in NON-CONCURRENCE.**)

(In House, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND HOUSE AMENDMENT "A" (H-383) AS AMENDED BY SENATE AMENDMENT "A" (S-236) thereto, in NON-CONCURRENCE.**)

On motion by Senator **HASTINGS** of Oxford, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND HOUSE AMENDMENT "A" (H-383) AS AMENDED BY SENATE AMENDMENT "A" (S-236) thereto, AND SENATE AMENDMENT "A" (S-291).**

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Senate Amendment "A" (S-291).

Same Senator moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-291).

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

Senator **SCHNEIDER:** Thank you, Madame President. I rise in opposition to the pending motion.

Senator **SCHNEIDER** of Penobscot requested a Roll Call. Subsequently, the same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

On motion by Senator **HASTINGS** of Oxford, Senate Amendment "A" (S-291) **INDEFINITELY POSTPONED.**

On further motion by same Senator, Senate Amendment "D" (S-328) **READ.**

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

Senator **HASTINGS:** Thank you, Madame President. Senate Amendment "D", the amendment just submitted, is another version of opt-out. As you know, we're talking about the Informed Growth bill. Yesterday, the Senator from Somerset, Senator Mills, introduced Senate Amendment "A" which we did adopt yesterday, which was an opt-out provision. I want to explain that I'm not resubmitting the same opt-out provision by any means. The opt-out provision yesterday dealt with the right of a municipality to opt-out of an application that was before it. I thought we were voting on the right of a municipality to opt-out entirely from the operation of this bill. Under the amendment we adopted yesterday, an application would actually be filed before the town and then there would be a town meeting or a town council vote to determine whether or not that applicant would be required to comply with the provisions of this act.

The amendment that is before you now, I believe, is a true opt-out. An opt-out that will allow those municipalities such as South Portland and others that we spoke of yesterday, who don't even need this bill and don't want this bill, to call a council meeting, a special town meeting, or a regular town meeting to waive the right of the municipality to apply the provisions of this subchapter. It is just an opt-out provision.

I know there were concerns about the opt-in aspects that we talked about earlier. I think we would all agree that it does require a municipality to give some real thought to this. They aren't within the purview of the act unless, hopefully at a time when there is no controversy going on, they sit down and decide as municipality that this is something they don't need. I want to remind this Body that it is my understanding that land use regulation and zoning regulation has consistently been left to the purview of local control. It's one of the keystones of home rule in this state that each municipality has the right to set its own destinies as far as land use. Ladies and gentlemen, I do believe that there is no question that the bill before us today is a zoning ordinance. In cases where it applies, I don't believe that the municipality can grant a land use permit when it is determined that the so-called adverse impact occurs. This is economic impact, a brand new

standard for land use permitting. Nevertheless, this is a mandated zoning ordinance. The amendment before you simply allows those municipalities that feel that this mandate is inappropriate for their own community to say so, can vote so, and to vote by their legislative body out of the operation of the provisions of the subchapter. At a later date, should the majority desire, they could undo that and put themselves back under the operation of this subchapter.

Ladies and gentlemen, I urge you to support the proposed amendment and to recognize Maine's long-standing history of home rule, especially when it comes to land use control. Thank you.

Senator **SCHNEIDER** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-328).

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I rise to urge that you oppose the pending motion. I'll not make the arguments I made the other day, but I think that it would be important that we include a real opt-out for communities that really prefer to do that. I offer two pieces of information. One, that this bill, in its current posture without the amendment that was on it previously, really does not offer this option to communities, and I will tell you why. The current bill requires that municipalities meet a whole list of items in order to be able to opt-out. My city planner and the city attorney from South Portland have written imploring me to make sure that if this passes it does have a real opt-out. South Portland land regulations do not require all projects to include economic impact analyses, although sometimes they are requested. We do not have a reduced standard requiring evidence of neutral or positive economic impact, therefore any opt-out provision in L.D. 1810 would not be available to South Portland. In addition, a request for an economic impact general ordinance couldn't pass in South Portland as it raises a host of potentially controversial issues that are unrelated to our traditional community impact analysis. Basically, without the amendment offered by the Senator from Oxford my city would be in the position of not being able to opt-out even if it wanted to. I encourage you to oppose the pending motion.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. It occurs to me that this bill has occupied more of my time than the original dog biscuit bill that I worked on for so long. However, I find that in this case I was elected by the residents of District 20 and I feel I owe them an obligation to vote in the way that most of them feel that I should. I will be supporting the indefinite postponement.

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

Senator **SCHNEIDER:** Thank you, Madame President. I would like to be very brief. If municipalities don't have currently this kind of standard, they certainly have the ability to adopt some standard in which case they would be able to opt-out. That's what the original bill did. I hope you'll support the indefinite postponement. Thank you.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I was thinking yesterday all of the times that we seem to have relativity in this Body, and that the good Senator from Somerset, Senator Mills, had offered an amendment on this particular bill, an amendment that reportedly had the legislative body of the community be able to decide whether or not the community wanted to opt-out of this proposal before us. Having grown up in a small community in Maine and only having lived in small communities in Maine, it was my understanding that the legislative body for those communities was the town folks. They got together once a year, or more regularly if desired, to have their collective voices heard on their issues. That was the legislative body. Therefore, I voted for the good Senator's amendment to this bill. It seemed to me to be about the democratic process, about allowing people to speak.

On further review of that amendment, it pained me to find out that in some municipalities that I have never lived in, and perhaps care not to now, the legislative body is, in fact, five or nine people who have been elected to represent the people of that particular community. It is that legislative body which will make the decision based on the good Senator's amendment. That's not what I intended to support and it's not what I support now. That group, which I have seen in my own district, for whatever reasons, whether they be self-serving reasons or representative reasons, have often times voted against what I have seen to be the public will. I don't want to give them the opportunity to that again, so I'll be urging your support of the pending motion. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Indefinitely Postpone Senate Amendment "D" (S-328). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#154)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-328), **PREVAILED**.

Senator **MARTIN** of Aroostook moved the Senate **CONCUR**.

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 (#155)**

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **CONCUR**, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

S.P. 318 L.D. 1001

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-321)** (9 members)

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

Tabled - June 15, 2007, by Senator **STRIMLING** of Cumberland

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

(In Senate, June 15, 2007, Reports **READ**.)

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. This bill is an outgrowth of our effort in the last session to reduce the pain and the cost of purchasing capital equipment by certain qualified industries in Maine, primarily the

manufacturing area. In that effort to reduce the so-called business equipment tax, a personal property tax, a certain part of the group was left out, generally perceived to be small retailers. This was simply an attempt to provide the same benefit to those folks as was provided when we modified that tax in the last session. As you can see from the divided report, at least the one I have in front of me, this is heavily weighted on the Ought To Pass report. There is an element in this of fairness. Those folks who are in the retailing business consider themselves to be as much a business as a manufacturer, providing jobs the same as the manufacturing folks, and facing the dilemma of purchasing personal property and needing as much as anyone else to be relieved of the burden of paying the tax. I would urge you to defeat the Ought Not To Pass amendment and support the Majority report, Ought To Pass. Let's see if we can get this item back in balance. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. I enjoyed being on the same side as the Senator from York, Senator Nass, momentarily. Now I am on the other side again, back where I suppose I am most comfortable. I appreciate what the good Senator from York, Senator Nass, said and he is correct. I am not in opposition to this. The reason that I oppose it is that when we did those negotiations in last session it was a pretty delicate balance as we tried to create this tax exemption for business. I will remind this Body, just as we are to go into dramatic tax reform, that this is one of the largest tax breaks we gave business in the state in the last 30 years when we eliminated the business equipment tax. It was a fundamental tax reform that we provided for the business community in the State of Maine. I would like us all to remember that before we get into the next stage of tax reform, which will be this session. The importance of that is there was a balance. The business community has asked very strongly that when the Legislature comes back, folks like me, who have never liked this tax, and those who have never liked the BETR program lay off for a while and give the elimination of the business equipment tax some time to sit. Lo and behold, although some of us kept that agreement to not submit new legislation to try to go back into that law, they came back and said, 'We want more than you gave us last time.' I will vote against this and I ask my colleagues to vote against this in order to honor the agreement that the business community made with all of us when we provided that break to them. Thank you, Madame President.

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

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. We have some interesting things here. The reason for this bill is L.D. 2056, which we passed last year, primarily benefited large businesses. I don't know about this agreement to put this thing in place that the good Senator from Cumberland, Senator Strimling, is referring to, but the commitment I made after we did that was a commitment to small

businesses of the State of Maine that I would come back and push forward to give them the same type of treatment that we give large businesses. Last session we passed L.D. 2056. It was a terrific step toward the elimination of this onerous tax that stifles job creation. Why shouldn't the Mom and Pop, and the guy who gets up in the morning and makes the pizzas and closes the store at night, have that same benefit? Is it because they don't have a lobbyist here? They ought to have that same opportunity. This is a commitment that I made and many other people made. I didn't have an agreement not to put a bill in the next year. I would never make an agreement like that, but I do fulfill commitments. I made a commitment to the small businesspeople in this state, the people who can't afford their individual lobbyist, the people that have to make coffee late at night after they get home and to say maybe they should get that same type of treatment. I respectfully ask that you support this bill and defeat the pending motion. Thank you.

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

Senator **PERRY:** Thank you, Madame President. I rise under some level of distress on this because I was out dealing with a constituent issue when this came up and I had a chance to talk with my good friend, the Senator from York, Senator Courtney. I supported him in the committee. I was on the fence in committee on this issue at the time and I went with him when we spoke. Since then, I felt that I needed to vote the other way and I have not had a chance to speak with him about that, but I will be voting with this motion.

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

Senator **STRIMLING:** Thank you, Madame President. In response to some of those who have spoken about supporting small businesses, please recognize that every small business in the state is eligible for business equipment tax rebate. They can get it. They already have the advantages you're talking about when we put the bill through last time. If you pass this you will gut a revenue source to municipalities that will be transferred on to the residents of those communities. There is no funding in this. When we did L.D. 2056, we passed that bill as a balance, making sure that municipalities would be kept whole as we eliminated this tax. This bill does not do that. This bill transfers the burden because they won't be eligible for the BETR program from the State. The local community will have to cover it and therefore residents will have to pick up the tax burden. So make no mistake. This is not some magic way that we're providing relief for small business owners and nobody's got to pay for it. The business owners already get relief from the BETR program. Now what you're saying is that instead of getting it from the BETR program let the municipality pay for it and the residents of your communities pay for that tax relief and shed more burden onto the homeowners of Maine. Thank you, Madame President.

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

Senator **ROSEN:** Thank you, Madame President and Senate colleagues. It seems since we've just set a new course for retail

greater than 70,000 square feet. We ought to pass this bill for retailers of less than 20,000 square feet.

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

Senator **COURTNEY:** Thank you, Madame President. As I did in the debate with L.D. 2056 a couple of years ago, I disagree that this isn't funded. This is funded the exact same way that L.D. 2056 was funded. It's funded at a Constitutionally mandated 50%. It doesn't cost money from what the towns are collecting now. It is implemented and it costs prospectively. For instance, if you replace a cooler in your convenience store, and you spend \$50,000 for that cooler, that depreciates over time. When it's down to its bottom depreciation, if you look at most communities, you go down to about 25% or 30%. The community collects a tax on 25% or 30% of the total price, so you're down to \$12,500 or so. What happens is the convenience store goes out and they make a new investment? They buy a new cooler but that new cooler doesn't cost \$50,000 because they bought that \$50,000 cooler five or ten years ago. That new cooler may cost \$70,000 and the community is reimbursed half of that. The loss to the community isn't actually a loss initially. It's actually a gain because they're going to get reimbursed at half of the new price. The community can see more revenue than they have now and it will encourage the small businesses to make those investments. It's a wonderful opportunity for this Legislature to show the small businesses of Maine how much we support them. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#156)

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

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

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-321) **READ** and **ADOPTED**.

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

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 (1/19/99) Assigned matter:

An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs  
H.P. 1009 L.D. 1440  
(C "A" H-481)

Tabled - June 15, 2007, by Senator **BRANNIGAN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481).**)

(In House, June 15, 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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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 **TAXATION** on Bill "An Act To Protect the Housing Opportunities for Maine Fund"  
H.P. 711 L.D. 936

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

Signed:

Senators:  
PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:  
PIOTTI of Unity  
RAND of Portland

KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
WATSON of Bath  
CHASE of Wells  
PILON of Saco

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

Signed:

Senator:  
NASS of York

Representatives:  
HOTHAM of Dixfield  
LANSLEY of Sabattus

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

Reports **READ**.

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

On motion by Senator **NASS** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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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 Authorize the Operation of Slot Machines on Indian Island in Old Town"  
H.P. 532 L.D. 701

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-572)**.

Signed:

Senators:  
MARRACHÉ of Kennebec  
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 Not To Pass**.

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

BLANCHETTE of Bangor

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-572)**.

Reports **READ**.

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

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

Senator **MILLS**: Thank you, Madame President. May I inquire as to whether this is an authorization for 400 new slot machines in Maine?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. In answer to the question, this would authorize an additional 400 slot machines in the State of Maine.

On motion by Senator **MILLS** of Somerset, 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. A clarifying question on the 400 slot machines: Does this mean that we are still within the 1,500 limitation or is it an additional 400 beyond the 1,500?

**THE PRESIDENT:** The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. This would be an additional 400 machines.

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

Senator **TURNER**: Thank you, Madame President. My understanding is that this means that we would be authorizing a total of 1,900 slot machines. We have 1,500 associated with the Bangor Raceway and now we're saying this is an additional 400 beyond the 1,500, making 1,900?

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

Senator **BRYANT**: Thank you, Madame President, ladies and gentlemen of the Senate. This is an opportunity for what I would call a section of Maine that hasn't had an opportunity for economic development, that hasn't had an opportunity to actually promote and improve their livelihood. What this would do is give an opportunity to have an economic development situation on Indian Island in Old Town, where they would have an opportunity to improve their revenue stream. This bill has been here before. They have an opportunity to do this and I think we should continue to try to allow them to do that. It's not going to hurt the status of businesses currently and I think that by allowing them to have an opportunity to do it we'll put no burden on anybody else. I encourage you to vote for the pending motion.

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

Senator **SCHNEIDER**: Thank you, Madame President, men and women of the Senate. I stand before you to let you know that I have never liked slot machines; I have never wanted to support slot machines. However, there was a referendum question to allow slot machines to come forward in Bangor because of the economic development piece. I was a citizen, I was not a legislator at the time, and I supported that because of the economic development piece. I also supported it when the Senator from Washington, Senator Raye, made his plea for Washington County. I also hope that you will support this. This is an issue of fairness and I believe that we ought to allow this to occur. People are interested in economic development and this is one tool in the toolbox. Even though I do not like slot machines myself, I am going to support the Majority Ought To Pass As Amended report. I hope you'll join me in that support. Thank you.

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

Senator **MILLS**: Madame President, men and women of the Senate. Once we let in 1,500 slot machines in Bangor, we had an adverse effect on high stakes bingo games being conducted by the Penobscot Nation. If we keep on going on down this slope, it has had noticeably an adverse impact on the OTBs. It's

had an adverse effect on bingo games conducted by churches, by American Legion posts, and other charitable clubs that are authorized by statute to do these things. It will probably have some adverse impact on the fairs. There will be no end to this. By the time we're done, we'll have a slot machine in everyone's living room just because everybody's had an adverse impact from the initial slot of 1,500 that we authorized. There is no end to this. We have to draw the line somewhere. I'm concerned about what's happening to the Penobscot Nation. I don't think we should have let in the Bangor competition in the first place, but having done so, I think we should stop here and that's why I'm voting no on the pending motion. 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. Our committee voted almost totally in favor of this, but we wanted to make sure that the Body understands that the amendment put in the extra 400 slot machines. The 1,500 limit was not something that was set in stone. That was set by the Legislature and not by the people. There is no reason to not increase it by 400. I understand the concerns about having slot machines all over the place. There's another bill coming before us that would actually do that. I do not support that. In this situation we are having them confined to an area where there is already high stakes bingo going on, and a lot of the people going there are from out-of-state. This is a way to make a lot more money off of people coming in to gamble in a high stakes bingo area anyway. This can be a larger draw for them and it would provide money for people running the slot machines who need it. The economy is very slow compared to the rest of us and they need the extra money to increase their revenues. If you look at the fiscal note, it's quite large. They've also been very generous to have their revenue increases go out to the people, to help those who might be impacted by the increase of slot machines and the gambling that might come their way. They also are putting some into college scholarships and also helping other organizations throughout the state. We need to think of this very carefully as an economic boost to the entire Maine economy.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I think I've said this before, but I have never gambled. I've never bought a lottery ticket. I don't play bingo. Coming soon we're going to see a bill before us about restrictions of businesses. It's talking about redemption centers but even that is not saying there should only be one redemption company in the entire state. This is saying, 'You've got a corner on slots, nobody else can participate.' I know we've heard this is about fairness, but I believe that's true. Whether you like gambling or not, this is giving one group the corner on the market. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#157)

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

**NAYS:** Senators: BARTLETT, BOWMAN, BROMLEY, COURTNEY, DIAMOND, HOBBS, MILLS, NASS, PLOWMAN, ROTUNDO, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

### READ ONCE.

Committee Amendment "A" (H-572) **READ** and **ADOPTED**, in concurrence.

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

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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 (5/22/07) Assigned matter:

Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians"

H.P. 986 L.D. 1403

Tabled - May 22, 2007, by Senator **MITCHELL** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, May 16, 2007, **PASSED TO BE ENGROSSED**.)

(In Senate, May 22, 2007, **READ A SECOND TIME**.)

**PASSED TO BE ENGROSSED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/29/07) Assigned matter:

Resolve, To Establish a Second Public Safety Answering Point for Kennebec County (EMERGENCY)

S.P. 184 L.D. 593

Tabled - May 29, 2007, by Senator **MITCHELL** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-152)**

(In Senate, May 29, 2007, **OUGHT TO PASS AS AMENDED** Report from the Committee on **UTILITIES AND ENERGY** **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-152) **READ.**)

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-152).

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The Chair laid before the Senate the following Tabled and Later (6/5/07) Assigned matter:

SENATE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Revise Maine's Utility Reorganization Laws"

S.P. 679 L.D. 1866

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-191)** (7 members)

Minority - **Ought Not to Pass** (6 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.**)

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 (#158)**

YEAS: Senators: BOWMAN, BRANNIGAN, BRYANT, DAMON, HOBBS, MILLS, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BENOIT, BROMLEY, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED.**

On motion by Senator **SMITH** of Piscataquis, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

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

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The Chair laid before the Senate the following Tabled and Later (6/12/07) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Govern Publicly Funded Advertising during Campaigns"

S.P. 630 L.D. 1779

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-246)** (8 members)

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

Tabled - June 12, 2007, by Senator **MARRACHÉ** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, June 12, 2007, Reports **READ.**)

Senator **MARRACHÉ** of Kennebec requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

**READ ONCE.**

Committee Amendment "A" (S-246) **READ.**

On motion by Senator **MARRACHÉ** of Kennebec, Senate Amendment "A" (S-302) to Committee Amendment "A" (S-246) **READ.**

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

Senator **RAYE:** Madame President, men and women of the Senate. I rise in support of the motion by the Senator from Kennebec, Senator Marraché. As the sponsor of the bill, I consider it a friendly amendment.

On motion by Senator **BRYANT** of Oxford, 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 (#159)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, TURNER, WESTON

NAYS: Senators: BROMLEY, ROTUNDO, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SULLIVAN

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARRACHÉ** of Kennebec to **ADOPT** Senate Amendment "A" (S-302) to Committee Amendment "A" (S-246), **PREVAILED**.

On motion by Senator **BRYANT** of Oxford, 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 (#160)**

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, COURTNEY, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: SULLIVAN

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (S-246) as Amended by Senate Amendment "A" (S-302) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-246) AS AMENDED BY SENATE AMENDMENT "A" (S-302)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/13/07) Assigned matter:

HOUSE REPORTS -from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"  
H.P. 44 L.D. 46

Report "A" - **Ought Not to Pass** (11 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (H-542)** (1 member)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-543)** (1 member)

Tabled - June 13, 2007, by Senator **DIAMOND** of Cumberland

Pending - motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)**, in **NON-CONCURRENCE**

(In House, June 12, 2007, Report "A", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

(In Senate, June 13, 2007, Reports **READ**.)

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

Senator **McCORMICK:** Thank you, Madame President, men and women of the Senate. I rise in opposition to the pending motion. I have the greatest respect for the Senator from Cumberland, Senator Diamond, and I believe there's no stronger advocate in this Body for the welfare and safety of the children of our state. However, we do disagree on the need for this bill. Those of you who were here in the 122<sup>nd</sup> surely remember L.D. 1717, a bill commonly referred to as Jessica's Law. Surely you remember the resulting compromise we passed after very much debate. This bill simply returns us to the Jessica's Law debate. The question becomes for me is do we really need to change what we did in the 122<sup>nd</sup>? After careful consideration of the information presented at the public hearing, the majority of the Criminal Justice and Public Safety Committee feels that what we implemented in the 122<sup>nd</sup> is still appropriate. There was no evidence presented to the committee to indicate that what we passed last year, and what we've had on the books for 10 months, will not result in what was intended and that it significantly increases the penalties on those who would prey on our children. Let's give the current law a chance to work. I urge you to oppose the pending motion and move forward to accept

the Majority Report in concurrence with the other Body. Thank you, Madame President.

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

Senator **DIAMOND:** Thank you, Madame President. I do feel that we need to talk about this just a little bit. This is the old Jessica's Law back again. I was the only one on this report and this is the only time I've ever been the only person on a report. This is so important that I think we all need to really look closely at this and look at the message we're sending. This laws says that if you come to the State of Maine and decide to molest a young child under the age of 12 you're going to go to jail for 25 years. Not 20 years maybe, not 15 years maybe, but you're going to jail for 25 years. This is for sexually molesting children under 12. We saw a case in Kennebec, the Dumas case, where Mr. Dumas kidnapped and molested young women three times. Three times. In and out. In and out. He came into jail and out of jail. We saw in York County, Joseph Tellier, who kidnapped a young 10-year-old girl, raped her, beat her, and left her for dead. He's out of jail. We saw the case two summers ago in my district where a young boy, in the middle of the afternoon, at 3:00 in the afternoon, whose home was broken into. He was there with his young sister. He was sodomized repeatedly and the perpetrator got eight years.

We have a new bill and certainly a new law was passed last year. I'm not convinced that we should turn this one down. I think we need to send a clear message to all the people in other states, that if they want to come to Maine, they want to molest our young kids, we're going to take that very seriously and they're going to go to jail for 25 years. This is not one of those situations where I think we have the flexibility to guess and to hope. I think it's one of those situations where we need to take a stand. I urge you to vote for this motion, for this report, and let's send a message that the Maine Senate, at least, is not going to turn our backs on these young kids and we're going to make a statement. We're going to make a statement that we take this very seriously. Don't come to our state, and don't molest our young kids. Thank you.

Senator **ROSEN** of Hancock requested a Division.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Accept Report "B", Ought to Pass as Amended by Committee Amendment "A" (H-542). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

## ROLL CALL (#161)

**YEAS:** Senators: BENOIT, BOWMAN, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, MARRACHE, MARTIN, MITCHELL, PLOWMAN, RAYE, SAVAGE, SMITH, SNOWE-MELLO, WESTON

**NAYS:** Senators: BARTLETT, BRANNIGAN, BROMLEY, BRYANT, HASTINGS, HOBBS, MCCORMICK, MILLS, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SCHNEIDER, SHERMAN, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

**ABSENT:** Senator: SULLIVAN

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)**, in **NON-CONCURRENCE, FAILED**.

Senator **McCORMICK** of Kennebec moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence.

On motion by Senator **DIAMOND** 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 (#162)

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BRYANT, HASTINGS, HOBBS, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SCHNEIDER, SHERMAN, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BENOIT, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, MARRACHE, MITCHELL, PLOWMAN, RAYE, SAVAGE, SMITH, SNOWE-MELLO, WESTON

**ABSENT:** Senator: SULLIVAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **McCORMICK** of Kennebec to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

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 Amend the Wine License Laws"  
H.P. 923 L.D. 1315

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  
PATRICK of Rumford  
TUTTLE of Sanford  
NASS of Acton  
GOULD of South Berwick  
BLANCHETTE of Bangor

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

Signed:

Representatives:

TRINWARD of Waterville  
FITTS of Pittsfield

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:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations"  
H.P. 675 L.D. 890

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

Signed:

Senators:

MARRACHÉ of Kennebec  
PLOWMAN of Penobscot  
BRYANT of Oxford

Representatives:

PINKHAM of Lexington Township  
TRINWARD of Waterville  
NASS of Acton  
GOULD of South Berwick  
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A"** (H-564).

Signed:

Representatives:

WEDDELL of Frankfort  
MOORE of Standish  
PATRICK of Rumford  
TUTTLE of Sanford  
FITTS of Pittsfield

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-564).

Reports **READ**.

Senator **MARRACHÉ** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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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 **HEALTH AND HUMAN SERVICES** on Bill "An Act Protecting the Confidentiality of Prescription Information"

H.P. 637 L.D. 838

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

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
RAYE of Washington

Representatives:

PERRY of Calais  
GROSE of Woolwich  
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-197)**.

Signed:

Representatives:

WALCOTT of Lewiston  
MILLER of Somerville  
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.

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 Licensing and Certification Requirements  
H.P. 1254 L.D. 1800  
(C "A" H-552)

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 Regarding the Central Voter Registration System  
H.P. 1358 L.D. 1921

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.

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, Directing the Bureau of Revenue Services To Provide Guidance Regarding the Valuation of Certain Affordable Housing Property

S.P. 352 L.D. 1100  
(C "A" S-289)

Resolve, To Study the Certificate of Need Program

H.P. 1060 L.D. 1535  
(H "A" H-553 to C "A" H-519)

Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health

H.P. 1093 L.D. 1568  
(C "A" H-513)

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

Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program

H.P. 187 L.D. 216  
(C "A" H-554)

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

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

**ENACTORS**

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

**Acts**

An Act To Prevent Additional Housing Charges for Persons Requiring In-home Care

S.P. 162 L.D. 475  
(C "A" S-280)

An Act To Modernize Maine's Accountancy Laws

H.P. 572 L.D. 751  
(C "A" H-547)

An Act To Establish a Prescription Drug Academic Detailing Program

H.P. 638 L.D. 839  
(C "A" H-549)

**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 Strengthen Maine's Craft Brewers

S.P. 357 L.D. 1105  
(C "A" S-290)

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

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An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine

S.P. 411 L.D. 1163  
(C "A" S-278)

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:

**Acts**

An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts

H.P. 863 L.D. 1182  
(C "A" H-534)

An Act To Amend the Labor Laws Regarding Automobile Dealerships

H.P. 913 L.D. 1295  
(C "A" H-476)

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

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An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers

S.P. 424 L.D. 1223  
(C "A" S-286)

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

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An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff

S.P. 475 L.D. 1361  
(H "A" H-544; S "A" S-230  
to C "A" S-180)

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

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An Act To Amend the Laws Governing the Taxation of Partnerships

S.P. 488 L.D. 1400  
(C "A" S-288)

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

JOINT ORDER - To Require the Joint Standing Committee on Insurance and Financial Services to Submit a Bill Regarding Health Insurance

H.P. 1363

In House, June 12, 2007, **READ** and **PASSED**.

In Senate, June 14, 2007, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **MARTIN** of Aroostook, the Senate **ADHERED**.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Prevent Overcharging for Prescription Drug Copayments"

H.P. 607 L.D. 807  
(C "A" H-482)

In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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

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

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

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

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Off Record Remarks

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

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Monday, June 18, 2007, at 9:00 in the morning.