

MAINE STATE LEGISLATURE

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

Daily Edition

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

Pages 1 - 1266

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

In Senate Chamber
Monday
June 18, 2007

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

Prayer by Senator Elizabeth M. Schneider of Penobscot County.

SENATOR SCHNEIDER: Good morning everybody. This weekend I was fortunate enough to visit Lincoln and they were having a blessing of a brand new food cupboard that had, for a long time, been housed in a person's home, Ms. McLaughlin's home. They had this really nice blessing for the Lincoln Regional Food Cupboard. I have taken excerpts of that for this morning's prayer and I hope you'll join me with the piece of this. This is on your desk, so I hope everybody will wake up and be alert and join with me in this morning's prayer. Shall we begin?

Unison: Peace be to this place and to all who come here.

Senator Schneider: Lord, protect our going out and our coming in from this time forth, forever more. Bless O Lord, this doorway, that all who pass through here may know Your love and Your peace.

Unison: Holy One, You give Your blessing to all who come and share fellowship in this room; may we always remember that You come in the stranger's guise and that when we serve others we are serving You.

Senator Schneider: Bless, oh Lord, this room, that all who gather here may be knit together in service.

Unison: Open your hearts to each other; use the gifts you have received from God for the good of others.

Senator Schneider: Bless this room, oh God, and let all who come here from time to time be welcomed as You have welcomed us. Shield them from evil, enfold them in the warmth of friendship, and open for them the way that leads to eternal life.

Unison: Amen.

Pledge of Allegiance led by Senator Bruce S. Bryant of Oxford County.

Reading of the Journal of Friday, June 15, 2007.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile"

S.P. 535 L.D. 1512
(C "A" S-203)

In Senate, June 6, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203) AS AMENDED BY HOUSE AMENDMENT "A" (H-590)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED.**

COMMUNICATIONS

The Following Communication: S.C. 398

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 15, 2007

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

Dear President Edmonds and Speaker Cummings:

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

- | | |
|-----------|--|
| L.D. 502 | An Act To Ensure That Maine Residents Have Reliable Winter Heating Assistance |
| L.D. 874 | An Act To Provide Funding for the Low-income Home Energy Assistance Program (EMERGENCY) |
| L.D. 1035 | An Act To Increase Wheelchair Van Services Reimbursement Rates |
| L.D. 1628 | An Act To Fund the Fuel Assistance Reserve Fund To Ensure That Help from the Low-income Home Energy Assistance Program Is Received in a Timely Fashion |

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Jeremy Fischer
House Chair

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

The Following Communication: S.C. 399

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

June 14, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 477 An Act To Deter Parental Alienation

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Stephanie P. Ralph, of Manchester, Principal Law Librarian for Public Services at the State Law and Legislative Reference Library, on the occasion of her retirement after more than 20 years of dedicated service to the State of Maine. Ms. Ralph has provided outstanding reference services to the Maine State Legislature, the legal community, government officials at all levels and to the citizens of the State of Maine. She has worked with grace and good humor, and has been invaluable in the planning, development and improvement of library services. We acknowledge her excellent work over the years and her commitment to her profession and to the State of Maine. We send her our congratulations on her retirement and our best wishes on her future endeavors;

SLS 316

Sponsored by Senator McCORMICK of Kennebec.
Cosponsored by Senators: President EDMONDS of Cumberland, MARTIN of Aroostook, MITCHELL of Kennebec, ROSEN of Hancock, WESTON of Waldo, Representatives: CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, PINGREE of North Haven, TARDY of Newport.

READ.

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

Senator **McCORMICK:** Thank you, Madame President, ladies and gentlemen of the Senate. It's my pleasure to recognize Stephanie Ralph on the occasion of her retirement. She's scheduled to retire on Friday, and it's still a question of which one of us will get out of here first. At least she'll be done Friday. Although I have not personally had an opportunity to work with Stephanie, I did go around and talk with some people who have worked with Stephanie over the years. What I found out was that, without exception, she's been referred to as very professional, knowledgeable, helpful, thorough, and always available. While we certainly wish her well, I'm sure she's going to be missed by very many people. Congratulations on your retirement, Stephanie. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Stephanie Ralph of Manchester. Would she please rise and accept the greetings of the Maine Senate.

Off Record Remarks

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: **BARTLETT** of Cumberland, **BENOIT** of Sagadahoc, **BOWMAN** of York, **BRANNIGAN** of Cumberland, **BROMLEY** of Cumberland, **BRYANT** of Oxford, **COURTNEY** of York, **DAMON** of Hancock, **DIAMOND** of Cumberland, **DOW** of Lincoln, **GOOLEY** of Franklin, **HASTINGS** of Oxford, **HOBBINS** of York, **MARRACHÉ** of Kennebec, **MARTIN** of Aroostook, **McCORMICK** of Kennebec, **MILLS** of Somerset, **MITCHELL** of Kennebec, **NASS** of York, **NUTTING** of Androscoggin, **PERRY** of Penobscot, **PLOWMAN** of Penobscot, **RAYE** of Washington, **ROSEN** of Hancock, **ROTUNDO** of Androscoggin, **SAVAGE** of Knox, **SCHNEIDER** of Penobscot, **SHERMAN** of Aroostook, **SMITH** of Piscataquis, **SNOWE-MELLO** of Androscoggin, **STRIMLING** of Cumberland, **SULLIVAN** of York, **TURNER** of Cumberland, **WESTON** of Waldo, Representatives: **ADAMS** of Portland, **ANNIS** of Dover-Foxcroft, **AUSTIN** of Gray, **AYOTTE** of Caswell, **BABBIDGE** of Kennebunk, **BARSTOW** of Gorham, **BEAUDETTE** of Biddeford, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BERRY** of Bowdoinham, **BERUBE** of Lisbon, **BLANCHARD** of Old Town, **BLANCHETTE** of Bangor, **BLISS** of South Portland, **BOLAND** of Sanford, **BRAUTIGAM** of Falmouth, **BROWNE** of Vassalboro, **BRYANT** of Windham, **BURNS** of Berwick, **CAIN** of Orono, **CAMPBELL** of Newfield, **CANAVAN** of Waterville, **CARTER** of Bethel, **CASAVANT** of Biddeford, **CEBRA** of Naples, **CHASE** of Wells, **CLARK** of Millinocket, **CLEARY** of Houlton, **CONNOR** of Kennebunk, **CONOVER** of Oakland, **COTTA** of China, **CRAVEN** of Lewiston, **CRAY** of Palmyra, **CRESSEY** of Cornish, **CROCKETT** of Augusta, **CROSTHWAITE** of Ellsworth, **CURTIS** of Madison, **DILL** of Cape Elizabeth, **DRISCOLL** of Westbrook, **DUCHESNE** of Hudson, **DUNN** of Bangor, **DUPREY** of Hampden, **EATON** of Sullivan, **EBERLE** of South Portland, **EDGEComb** of Caribou, **EMERY** of Cutler, **FAIRCLOTH** of Bangor, **FARRINGTON** of Gorham, **FINCH** of Fairfield, **FINLEY** of Skowhegan, **FISCHER** of Presque Isle, **FISHER** of Brewer, **FITTS** of Pittsfield, **FLETCHER** of Winslow, **FLOOD** of Winthrop, **GERZOFISKY** of Brunswick, **GIFFORD** of Lincoln, **GILES** of Belfast, **GOULD** of South Berwick, **GREELEY** of Levant, **GROSE** of Woolwich, **HAMPER** of Oxford, **HANLEY** of Gardiner, **HARLOW** of Portland, **HASKELL** of Portland, **HAYES** of Buckfield, **HILL** of York, **HINCK** of Portland, **HOGAN** of Old Orchard Beach, **HOTHAM** of Dixfield, **JACKSON** of Allagash, **JACOBSEN** of Waterboro, **JOY** of Crystal, **KAENRATH** of South Portland, **KNIGHT** of Livermore Falls, **KOFFMAN** of Bar Harbor, **LANSLEY** of Sabattus, **LEWIN** of Eliot, **LORING** of the Penobscot Nation, **LUNDEEN** of Mars Hill, **MacDONALD** of Boothbay, **MAKAS** of Lewiston, **MAREAN** of Hollis, **MARLEY** of Portland, **MAZUREK** of Rockland, **McDONOUGH** of Scarborough, **McFADDEN** of Dennysville, **McKANE** of Newcastle, **McLEOD** of Lee, **MILLER** of Somerville, **MILLETT** of Waterford, **MILLS** of Farmington, **MIRAMANT** of Camden, **MOORE** of Standish, **MUSE** of Fryeburg, **NASS** of Acton, **NORTON** of Bangor, **PATRICK** of Rumford, **PENDLETON** of Scarborough, **PEOPLES** of Westbrook, **PERCY** of Phippsburg, **PERRY** of Calais, **PIEH** of Bremen, **PILON** of Saco, **PINEAU** of Jay, **PINGREE** of North Haven, **PINKHAM** of Lexington Township, **PIOTTI** of Unity, **PLUMMER** of Windham, **PRATT** of Eddington, **PRESCOTT** of Topsham, **PRIEST** of Brunswick, **RAND** of Portland, **RECTOR** of Thomaston, **RICHARDSON** of Carmel, **RICHARDSON** of Greenville, **RICHARDSON** of Warren, **RINES** of Wiscasset, **ROBINSON** of Raymond, **ROSEN** of Bucksport, **SAMSON** of

Auburn, **SAVAGE** of Falmouth, **SAVIELLO** of Wilton, **SCHATZ** of Blue Hill, **SILSBY** of Augusta, **SIMPSON** of Auburn, **SIROIS** of Turner, **SMITH** of Monmouth, **SOCTOMAH** of the Passamaquoddy Tribe, **STRANG BURGESS** of Cumberland, **SUTHERLAND** of Chapman, **SYKES** of Harrison, **TARDY** of Newport, **THERIAULT** of Madawaska, **THIBODEAU** of Winterport, **THOMAS** of Ripley, **TIBBETTS** of Columbia, **TREAT** of Farmingdale, **TRINWARD** of Waterville, **TUTTLE** of Sanford, **VALENTINO** of Saco, **VAUGHAN** of Durham, **WAGNER** of Lewiston, **WALCOTT** of Lewiston, **WALKER** of Lincolnville, **WATSON** of Bath, **WEAVER** of York, **WEBSTER** of Freeport, **WEDDELL** of Frankfort, **WHEELER** of Kittery, **WOODBURY** of Yarmouth), the following Joint Resolution:

S.P. 734

JOINT RESOLUTION RECOGNIZING LYNN RANDALL ON HER RETIREMENT AS STATE LAW LIBRARIAN

WHEREAS, Lynn Randall is the State Law Librarian and is retiring this year after working at the Maine State Legislative Law Library since 1978, first as a library clerk, then through promotion in other positions and, since 1988, as the State Law Librarian; and

WHEREAS, Lynn Randall is a 1977 graduate of the University of Maine, where she majored in French, a language that she used to great advantage with visiting Francophone delegations, and she received her Master's degree from the School of Library Service at Columbia University in 1981, as well as earning a Certificate of Advanced Librarianship in 1982; and

WHEREAS, Lynn Randall has contributed immensely to her profession, serving as president of the Maine Library Association and being elected as President of the Law Librarians of New England, which is a regional chapter of the American Association of Law Librarians; and

WHEREAS, Lynn Randall has served as Placement Chair of the American Association of Law Libraries and traveled to Madagascar and served as a consultant for the United States Agency for International Development and the National Conference of State Legislatures to participate in a development project for the parliamentary library of that nation; and

WHEREAS, Lynn Randall has been invaluable to the people of Maine with her exemplary and outstanding service orientation to the patrons of her library, and she has earned the respect and affection of all who have worked with her, including government officials at all levels, the legal community and the citizens of the State of Maine; and

WHEREAS, Lynn Randall has at all times exhibited high professional standards, and in addition to her commitment to excellence and her indefatigable and inspirational character of gentle strength, quiet humor and knowledge and sincere respect for the institution that she served, she also has a musical talent and has traditionally been part of the annual holiday caroling and the musical performances at the end of the legislative session; and

WHEREAS, Lynn Randall exemplifies the best in Maine people, and we take this opportunity to acknowledge her long and distinguished career whereby she has demonstrated her dedication and contributions to her state and to the Maine Legislature; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to formally express our great appreciation for Lynn Randall's many years of dedicated service to the People of the State of Maine, and we send her our congratulations and best wishes on the occasion of her retirement; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Lynn Randall.

READ.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. Thinking about Lynn Randall's absence from the Maine State Law Library is unthinkable, actually. It's hard to imagine that it will continue to function as well as it has under her leadership. In my opinion, over all these years, her strong leadership, which is very quiet, seeking no accolades, seeking no notice, but making things work. It's so typical to me of a Maine leader. I would like to congratulate her on her retirement as I know we all do. We will miss her sorely. Thank you.

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

Senator **MARTIN:** Thank you, Madame President, men and women of the Senate. I also want to join in her retirement comments today. I have actually had some experience in the same country where she went and followed all of her work there. I was twice in Madagascar, working for the government of Madagascar. I can assure you that without her participation and her help, the law library there would not be in existence. We are very pleased that she was able to assist them and for also helping those of us in Maine when we needed things in the Law Library. Best wishes to her in her retirement.

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

Senator **WESTON:** Thank you, Madame President. I wish to add my voice to those who have previously spoken and offer my congratulations on the retirement for Lynn. When you come here as a new legislator, your tour of the Law Library is one of the first things you do. It seems to cement together the history and what you will be doing. Seeing her face and her work has been instrumental for many. Thank you.

On motion by Senator **MITCHELL** of Kennebec, under unanimous consent on behalf of President **EDMONDS** of Cumberland, **ADOPTED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber, Lynn Randall. Would she please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve Efficiency in the Courts"

H.P. 833 L.D. 1140

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

Signed:

Senators:

HOBBINS of York
NUTTING of Androscoggin
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
BRYANT of Windham
DUNN of Bangor
DILL of Cape Elizabeth
NASS of Acton

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

Signed:

Representatives:

MILLS of Farmington
CASAVANT of Biddeford
BERUBE of Lisbon
JACOBSEN of Waterboro

(Representative **LORING** of the Penobscot Nation - of the House - supports the Minority **Ought To Pass** Report.)

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend from 4 to 6 Terms the Limits on Legislative Terms"

H.P. 1367 L.D. 1928

Reported that the same **Ought to Pass**, pursuant to Joint Order 2007, H.P. 1357.

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
BLANCHETTE of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, pursuant to Joint Order 2007, H.P. 1357.

Signed:

Representatives:

NASS of Acton
GOULD of South Berwick

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

Reports **READ**.

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

Divided Report

Ten members of the Committee on **TAXATION** on Bill "An Act To Encourage Newly Retired Veterans To Reside in Maine"

H.P. 407 L.D. 529

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-559).

Signed:

Senators:

PERRY of Penobscot
NASS of York

Representatives:

PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket

HOTHAM of Dixfield
WATSON of Bath
CHASE of Wells
LANSLEY of Sabattus

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-560).

Signed:

Senator:

STRIMLING of Cumberland

Representative:

PILON of Saco

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

Signed:

Representative:

WOODBURY of Yarmouth

Comes from the House with Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-560) **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-560).

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-560), in concurrence.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-560), in concurrence.

Divided Report

Seven members of the Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions and Survivors' Benefit Payments from State Income Tax"

H.P. 661 L.D. 872

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-555).

Signed:

Senators:

PERRY of Penobscot
NASS of York

Representatives:

PIOTTI of Unity
CLARK of Millinocket
HOTHAM of Dixfield
LANSLEY of Sabattus
KNIGHT of Livermore Falls

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-556).**

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

WATSON of Bath
CHASE of Wells
PILON of Saco

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

Signed:

Representatives:

RAND of Portland
WOODBURY of Yarmouth

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555).**

Reports **READ.**

On motion by Senator **STRIMLING** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-555) **READ and ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555)**, in concurrence.

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Mandatory Administration of Medication in Hospitals Serving Psychiatric Patients"

S.P. 350 L.D. 1033

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-332).**

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

READ ONCE.

Committee Amendment "A" (S-332) **READ and ADOPTED.**

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Regulate Outdoor Wood Boilers

H.P. 1272 L.D. 1824
(C "A" H-494)

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

Mandate

An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value

H.P. 720 L.D. 960
(C "A" H-434)

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

Acts

An Act To Improve Child Support Services

H.P. 1066 L.D. 1541
(C "A" H-538)

An Act Concerning the Sustainable Use of and Planning for Water Resources

S.P. 610 L.D. 1743
(C "A" S-273)

An Act To Update Professional and Occupational Licensing Laws
S.P. 659 L.D. 1842
(C "A" S-275)

An Act To Implement the Recommendations of the Corrections
Alternatives Advisory Committee

H.P. 1327 L.D. 1895
(C "A" H-527)

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

An Act To Make Minor Substantive Changes to the Tax Laws
H.P. 1054 L.D. 1504
(C "A" H-550)

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

An Act To Enact the Home Care Consumer and Worker
Protection Act

H.P. 1069 L.D. 1544
(C "A" H-535)

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

Senator **BRANNIGAN:** Thank you, Madame President. I've
spotted, thanks to one of our excellent staff members, that this bill
is very much like one that came out of the Labor Committee. The
Senator from Cumberland, Senator Strimling, and I have been
fighting over who will do this. The one that came out of the Labor
Committee is almost exactly the same as the one that came out
of the Health and Human Services Committee. Our bill was a
little more comprehensive and we passed it last week. We don't
need both bills, so that's why the Indefinite Postponement.

On motion by Senator **BRANNIGAN** of Cumberland, the Bill and
accompanying papers **INDEFINITELY POSTPONED**, in **NON-
CONCURRENCE**.

Sent down for concurrence.

An Act To Address an Inequity in the Judicial Retirement System
S.P. 574 L.D. 1630
(C "A" S-295)

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

An Act Regarding Campaign Finance Reporting and the Maine
Clean Election Act

S.P. 668 L.D. 1854
(C "A" S-279)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

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

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until 11:00 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

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

Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

H.P. 597 L.D. 781

Tabled - June 13, 2007, by Senator **WESTON** of Waldo

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-545)**, in concurrence

(In House, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545).**)

(In Senate, June 13, 2007, Committee Amendment "A" (H-545) **READ.**)

On motion by Senator **TURNER** of Cumberland, Senate Amendment "A" (S-322) to Committee Amendment "A" (H-545) **READ.**

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. If you reflect back 10 weeks ago, we, in this Chamber, unanimously passed a bond package of \$295 million. We sent a portion of that out to the voters in June. The transportation portion of that garnered 72% of the vote, a very strong favorable indication of the voters' support for highway bonding. What this amendment does is asks us to also send out a GARVEE bond that is in the two year budget for \$50 million and ask that the voters approve it in November 2007. I think we all recognize there is a difference between General Obligation Bonds, which have the full faith and credit of the State behind them, versus a GARVEE bond, which reaches out into future years and calls forward highway funds from the federal government. I'm not exactly an analogist but I do think we are well served when we put opportunities to bond in front of the voters, whether it is Constitutionally required of us or not. The language that the voters would see, if you agree is, 'Do you favor authorizing the Maine Municipal Bond Bank to issue up to \$50 million in grant anticipation revenue vehicle debt financing instruments repaid with federal highway funds, or GARVEE, for qualified transportation projects in the 2008-2009?' We have enjoyed broad support on many things that we have done in this Chamber to date. I am in hopes that you will approve this amendment, and in turn, I expect there will be strong bipartisan support for L.D. 781 with this amendment attached. Thank you very much, Madame President.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Turner to Adopt Senate Amendment "A" (S-322) to Committee Amendment "A" (H-545). 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 (#163)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **TURNER** of Cumberland to **ADOPT** Senate Amendment "A" (S-322) to Committee Amendment "A" (H-545), **FAILED.**

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

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (H-545). 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 (#164)

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

NAYS: Senators: BENOIT, COURTNEY, GOOLEY, HASTINGS, NASS, PLOWMAN, ROSEN, SMITH, SNOWE-MELLO, TURNER, WESTON

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, Committee Amendment "A" (H-545) **ADOPTED**, in concurrence.

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

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

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce the Income Tax"

S.P. 303 L.D. 952

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-281)** (9 members)

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

Tabled - June 12, 2007, by Senator **STRIMLING** of Cumberland

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

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

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Support County Government"

H.P. 894 L.D. 1266

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-557)** (2 members)

Tabled - June 14, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **PERRY** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, June 13, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 14, 2007, Reports **READ**.)

On motion by Senator **PERRY** of Penobscot, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-557) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Bill "An Act To Return a Portion of Sales, Lodging and Meals Taxes to Municipalities"

H.P. 918 L.D. 1300
(C "A" H-576)

Tabled - June 14, 2007, by Senator **MITCHELL** of Kennebec

Pending - motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576)**.)

(In Senate, June 14, 2007, under suspension of the Rules, **READ A SECOND TIME**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#165)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurers To Use Savings from Dirigo Health To Reduce Premiums"

H.P. 719 L.D. 959

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-530)** (5 members)

Tabled - June 14, 2007, by Senator **SULLIVAN** of York

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#166)

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

NAYS: Senators: BENOIT, COURTNEY, DOW, 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 **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans

S.P. 534 L.D. 1511

Tabled - June 14, 2007, by Senator **BRANNIGAN** of Cumberland

Pending - motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-311) to Committee Amendment "A" (S-259)

(In Senate, June 12, 2007, **READ A SECOND TIME**.)

(In Senate, June 14, 2007, on motion by Senator **MILLS** of Somerset, **RULES SUSPENDED**. **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-259). On motion by same Senator, Senate Amendment "A" (S-311) To Committee Amendment "A" (S-259) **READ**.)

On motion by Senator **ROSEN** of Hancock, 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 (#167)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-311) to Committee Amendment "A" (S-259), **FAILED**.

Senate Amendment "A" (S-311) to Committee Amendment "A" (S-259) **ADOPTED**.

Committee Amendment "A" (S-259) as Amended by Senate Amendment "A" (S-311) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259) AS AMENDED BY SENATE AMENDMENT "A" (S-311)** thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/15/07) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Protect the Housing Opportunities for Maine Fund" H.P. 711 L.D. 936

Majority - **Ought to Pass** (10 members)

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

Tabled - June 15, 2007, by Senator **NASS** of York

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

(In House, June 15, 2007, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. Just a few words on this as to what it is and what is likely to happen if this passes. The home fund has been the focus of a lot of attention over the years. It was, in addition to the real estate transfer tax, passed in the early 1990's and basically was supposed to be used by the Maine State Housing Authority to help first-time homebuyers. Generally it's been successful at that. In recent times, it has been used by the budget writers often, either in its entirety or in part, to help make up the budget shortfalls and has been added in the General Fund. A certain percentage of the transfer tax, like 45%, is currently allocated to go into this. In most bienniums it could be as large as \$15 million. In recent years it's largely been added to the General Fund. This basically is reflective of the Chief Executive's budget initiative this year, to make sure that that money from the transfer tax is in fact going to the home fund and does all the good things that the home fund has done in the past.

However, having said that, dedicated funds are not popular with budget writers, generally, because it limits what you can do with sources of money like this and reduces your efforts at priority setting. You could vote for this, but this may not change the situation because there is this little word called 'not withstand.' This will not stop that from happening. If you want to vote for this, fine, but it isn't going to change the situation. Your budget writers in the future are still going to have the opportunity to use the home fund for other, worthy I would suggest, goals in getting a balanced budget together. Madame President, I would urge people to vote against this feel good measure. Thank you.

Senator **NASS** of York requested a Roll Call.

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

Senator **PERRY:** Thank you, Madame President. I'm on the opposite side of the report from my good friend from York, Senator Nass. Everything he stated is, in my opinion, right on the money. The home fund is a particularly interesting fund, and the real estate transfer tax is a particularly interesting tax in the way they work together. When the market is hot and prices are climbing, that's when real estate is changing hands. The real estate transfer tax numbers really tip upward, which puts more money in the home fund to address the need for more affordable housing. There's a relationship there that works very well. Through these very difficult budget times, to fund all this new education funding without raising the broad-based taxes, we've had to look everywhere we could to find money and we've taken some money out of the home fund. This bill was brought forward to us to protect this fund. Once again there is an interesting relationship, some of the folks who are the most interested in protecting the home fund are some of the same folks who could potentially be hurt the most through cutting the budget in the additional amount that it would require to preserve the home fund.

It's a very interesting scenario. I voted on the Ought To Pass side. I thought it was a good message that we like the home fund and that affordable housing is a problem and we should be addressing it. I'll be voting for this motion, Ought To Pass. Once again, this is one of the very difficult issues we deal with in the Taxation Committee. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **PERRY** of Penobscot to Accept the Majority 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 (#168)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DIAMOND, DOW, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SCHNEIDER, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DAMON, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, ROSEN, SAVAGE, SMITH, TURNER

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

Senate at Ease.

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend from 4 to 6 Terms the Limits on Legislative Terms"

H.P. 1367 L.D. 1928

Majority - **Ought to Pass**, pursuant to Joint Order 2007, H.P. 1357 (8 members)

Minority - **Ought Not to Pass**, pursuant to Joint Order 2007, H.P. 1357 (2 members)

Tabled - June 18, 2007, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 15, 2007, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, June 18, 2007, Reports **READ**.)

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

On motion by Senator **TURNER** 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 (#169)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HOBBS, MARRACHE, MCCORMICK, MILLS, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, HASTINGS, MARTIN, NASS, ROSEN, SHERMAN, SMITH, SNOWE-MELLO, TURNER

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Encourage Newly Retired Veterans To Reside in Maine"

H.P. 407 L.D. 529

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-559)** (10 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-560)** (2 members)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - June 18, 2007, by Senator **ROSEN** of Hancock

Pending - motion by Senator **STRIMLING** of Cumberland to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-560)**, in concurrence

(In House, June 15, 2007, Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-560)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-560)**.)

(In Senate, June 18, 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. Just a brief explanation. The difference between Report "A" and "B" is that "B" has an upper limit of, I think, \$15,000 on it, as far as military retirees' pay would be exempt from the income tax. It is an issue that we've dealt with in the past. There is great economic benefit to this either way. It would be great if we could afford to pay for it.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Accept Report "B", Ought to Pass as Amended by Committee Amendment "B" (H-560). 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 (#170)

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

NAYS: Senators: DOW, GOOLEY, HASTINGS, NASS,
PLOWMAN, ROTUNDO, TURNER

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-560)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-560) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-560)**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (6/15/07) Assigned matter:

JOINT RESOLUTION - Memorializing the United States Congress to Support the Employee Free Choice Act
S.P. 733

Tabled - June 15, 2007, by Senator **MITCHELL** of Kennebec

Pending - motion by President **EDMONDS** of Cumberland to **ADOPT**

(In Senate, June 15, 2007, on motion by Senator **MITCHELL**, on behalf of President **EDMONDS** of Cumberland, **READ**.)

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

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

Senator **SNOWE-MELLO:** Thank you Madame President, ladies and gentlemen of the Senate. I think it's extremely important that we know what we are voting on, and what the joint resolution is, so I am going to be speaking to put this on the record: To amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. Short title. This Act may be cited as the 'Employee Free Choice Act of 2007'. Section 2. Streamlining Union Certification. (a) In General- Section 9C of the National Labor Relations Act is amended by adding at the end the following: '(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee

or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection A. (7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph 6. Such guidelines and procedures shall include - (A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph 6; and (B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives. (b) Conforming Amendments - (1) National Labor Relations Board- Section 3(b) of the National Labor Relations Act is amended, in the second sentence - (A) by striking 'and to' and inserting 'to'; and (B) by striking 'and certify the results thereof,' and inserting ', and to issue certifications as provided for in that section,'. (2) Unfair Labor Practices- Section 8b of the National Labor Relations Act is amended - (A) in paragraph 7B by striking ', or' and inserting 'or a petition has been filed under section 9c (6), or'; and (B) in paragraph 7C by striking 'when such a petition has been filed' and inserting 'when such a petition other than a petition under section 9c (6) has been filed'. Section 3. Facilitating Initial Collective Bargaining Agreements. Section 8 of the National Labor Relations Act is amended by adding at the end the following: '(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows: '(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9a, or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement. '(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement. '(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph 2, or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written

consent of the parties.' Section 4. Strengthening Enforcement. (a) Injunctions Against Unfair Labor Practices During Organizing Drives - (1) In General- Section 10(l) of the National Labor Relations Act is amended - (A) in the second sentence, by striking 'If, after such' and inserting the following: '(2) If, after such'; and (B) by striking the first sentence and inserting the following: '(1) Whenever it is charged - (A) that any employer - (i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8; (ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or (iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7; while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or (B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7); the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.'. (2) Conforming Amendment- Section 10(m) of the National Labor Relations Act is amended by inserting 'under circumstances not subject to section 10(l)' after 'section 8'. (b) Remedies for Violations - (1) Backpay- Section 10(c) of the National Labor Relations Act is amended by striking 'And provided further,' and inserting 'Provided further, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: Provided further,'. (2) Civil Penalties- Section 12 of the National Labor Relations Act is amended - (A) by striking 'Any' and inserting '(a) Any'; and (B) by adding at the end the following: '(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed \$20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.'. Passed the House of Representatives March 1, 2007. Attested: Lorraine C. Miller, Clerk. Calendar Number 66. 110th Congress. To amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

March 2, 2007. Read the second time and placed on the calendar.' Thank you.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by President **EDMONDS** of Cumberland to **ADOPT**. (Roll Call Ordered)

Senator **MITCHELL** of Kennebec 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.

Off Record Remarks

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 Eliminate Tax Increment Financing for Retail Businesses" H.P. 179 L.D. 208

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-592)**.

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
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:

Representatives:

CLARK of Millinocket
CHASE of Wells

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-592)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-592) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Provide Reimbursement for Residential Care Facilities for Rising Heating Costs and Cost-of-living Adjustments
H.P. 735 L.D. 975

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-599)**.

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

READ ONCE.

Committee Amendment "A" (H-599) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect the Health of Infants"
H.P. 507 L.D. 658

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-598)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)**.

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

READ ONCE.

Committee Amendment "A" (H-598) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Amend the Credit for Rehabilitation of Historic Properties"
H.P. 218 L.D. 262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**.

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

READ ONCE.

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

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

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

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

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

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

After Recess

Senate called to order by the President.

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.

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 Support Small, Local and Efficient Hospitals"

H.P. 500 L.D. 651

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

Signed:

Senator:
BRANNIGAN of Cumberland

Representatives:
PERRY of Calais
WALCOTT of Lewiston
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
GROSE of Woolwich

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

Signed:

Senator:
RAYE of Washington

Representatives:
LEWIN of Eliot
FINLEY of Skowhegan

(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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, To Study Adoption Laws and Practices (EMERGENCY)
H.P. 307 L.D. 391

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-586).

Signed:

Senator:
HOBBINS of York

Representatives:
SIMPSON of Auburn
BRYANT of Windham
MILLS of Farmington
DUNN of Bangor
CASAVANT of Biddeford
DILL of Cape Elizabeth
BERUBE of Lisbon

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

Signed:

Senators:
NUTTING of Androscoggin
HASTINGS of Oxford

Representatives:
JACOBSEN of Waterboro
NASS of Acton
GOULD of South Berwick

(Representative LORING of the Penobscot Nation - of the House - supports the Minority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-586).

Reports **READ**.

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

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. I would like to just bring to your attention that in 1989 a 35-member task force was established. Our good Senator from Cumberland, Senator Brannigan, was part of the task force. It identified current trends in and regarding adoption, determined where Maine wants to be in regards to adoption, identified current and needed resources for adoption support, revised suggestions for Maine adoption laws, and made recommendations for administrative policy and rule changes. Over 3,800 questionnaires were distributed to Maine citizens. Over 1,900 adoptive parents, birth parents and adoptees were interviewed. Sixteen probate judges, eight private licensed adoption agencies, and each of the five Department of Human Service regional adoption units were also surveyed. The report, which I have here, is from 1989. It consists of 103 pages and 117 different recommendations. Hours and hours have already been invested in researching the adoption process. I urge you not to support the pending motion and to vote for the Minority report of Ought Not To Pass. Thank you.

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

Senator **HOBBS:** Thank you, Madame President, men and women of the Senate. I would like to thank the colleague of mine, the Senator from Sagadahoc, Senator Benoit, for giving you a partial overview of what occurred back during the adoption issue debates back in the late 1980's. Not to age myself at all, I was involved in those particular debates at that particular time. In fact, I was involved during the process of the evolution of the beginning of a whole new era in adoption that took place in the late 1970's or early 1980's and still continues to evolve through the adoption process and the adoption triad. The adoption triad is something that you probably haven't heard much about because it seems that the focus of the adoption debate in this bill, and other bills in the past have looked at 1987, 1988, 1989 when this report she referred to was issued, involved the adoption triad. The adoption triad is the birth parents, the adoptee, and last but not least, the adoptive couple or family. Now these days the individuals have adopted many of the children that need homes. Since the early 1980's adoption has changed. We no longer have a clandestine situation where there were closed adoptions. Back in the 1970's and 1960's, because of changing times, the lack of reproductive resources, the change of morality, and many other issues, there weren't as many options available to young women and older women who became pregnant.

Those issues have changed significantly since 1973, when the Supreme Court decision of Roe versus Wade and further on through the issues of birth control, the changes in morality, and other issues. There was a generation of women that an issue like this has to look at. That is another overview of adoption records and adoption issues involving birth mothers, adoptive parents, and the adoptees. It seems that not looking at what has been an evolving process of the adoption field and the idea of making families through different means, that after 20 years there should be another look at this. Now there are others who believe that you shouldn't do that, that this is just being used as a rouse or an invasive means of not addressing another issue that will before

this Legislature in another form that I will not talk about because it's a pending bill that's not before us. There are many, many issues, besides the issues that we addressed in other legislation, that need to be looked at after a 20-year hiatus. Twenty years ago we didn't have such means of making a family as foreign adoptions, adoptions from third-world countries, or the artificial means of being able to produce a child through scientific means that have taken place and have evolved during the past 25 years. The attempt of this particular study is consistent with what certain organizations, such as the registers of probate and the Maine Association of Registers of Probate, would like to see, and that is an overview of the adoption process.

Much came of the last adoption study. There was a time in Maine when private adoptions were unregulated. Essentially, a person could facilitate an adoption without certain strict guidelines and overview by the probate court. Many of those loopholes were closed as a result of that particular study in 1988 and 1989. It was a broad group of individuals who got together, including the registers of probate. Registers of probate sent a letter to the Judiciary Committee, addressed to the committee and my counterparts and co-chair Representative Simpson, that basically said, in summary, that although they are not taking a position on the other pending adoption legislation, 'We feel the best course of action is to work through the resolve to study the adoption laws and practices with other stakeholders to find the most comprehensive cost-efficient way to accomplish our goals as policymakers. As a group, we believe that we have much to offer to your discussion and we thank you for including us in your taskforce.' That is from a letter sent by the President of the Association, Kathleen Ayers of the Probate Court of Kennebec County.

There was another letter that was a very interesting one. It was sent to us by e-mail from an adopted parent who had just gone through the new type of adoption procedures that are commonplace. I would just like to share some of this. I'm not going to reveal the name, it's a private letter address to myself and Representative Simpson, but I will share with you some of the information that she sent to us. Basically, she was writing to ask me to consider implementing a study of legal issues surrounding adoption law in Maine, and to volunteer and to assist in any way that she could. She said, 'My interest in the issue of adoption is personal. On May 2nd my husband and I finalized the adoption of our beautiful daughter. Although I am not an attorney and offer little knowledge of the details of adoption, I have some background evaluating policies and issues that I hope will be helpful. Professionally, I serve as a principal of a hospital network that serves a certain region of Maine, as well as head of a local healthy community coalition.' This person says, that she is involved in several other statewide organizations advocating public health policy. She talked about her adoption through a licensed Maine agency, but it was an independent adoption. Through her discussions, she volunteered her services to serve on any type of commission or resolve proposed here. She had some suggestions of her experiences. I'm going to go over a couple of these because these are unanswered issues that should be addressed by a body of individuals such as we had in 1989, that really assisted with the adoption process. It talks about adoption agency licensures. That is one of the issues that was addressed in 1988 and 1989. She said that there needs to be more requirements for agencies to disclose terms, agreements, rights, and responsibilities of adoptive parents and birth parents, and dangers to protect them from fraud and other dangers of

interstate adoption. The Internet has changed the process of adoption significantly. There are many individuals who have been defrauded for thousands and thousands of dollars. Infertile couples who have been crushed, not only facing the pain and agony of infertility, which quite frankly I experienced as a young man, and the awful situation involving the adoption that has fallen through because of misrepresentation or other fraudulent activities. This woman goes on to say that education on adoption law for officials in the courts are necessary. Continuing education on Maine adoption law should be a formal requirement, and it should be for all court officials with jurisdiction of adoption cases. More education and support should be available to women with unplanned pregnancies, their partners, and potential adoptive parents. There is much more we can do in this state to ensure that women with unplanned pregnancies have the right information about adoption, and that birth parents are better supported. Then she goes on to say there is much more we can do to help families interested in adopting a child and understand what is involved in the process. It goes on to talk about the interstate compact, hospital policies, and an extremely great amount of words of thought, for me anyway and to those who are involved.

This bill is not an attempt, in any way, to try to divert the attention away from another bill involving the records of adoption. That will be for another time and another debate. There are other issues besides that issue that need to be addressed, especially after 20 years, involving adoption. I'm very blessed. I have three children by three different women. Two of them are birth mothers and the third is my wife, Donna. I'm very blessed. I say prayers for three birth mothers every night. Two made a courageous choice not to terminate the pregnancy, but to look at adoption as a consideration. The issue of adoption is more than a paper. It's about families. It's about birth mothers. It's about adoptees. It's about adoptive families and the extended families. All of their interests should be addressed through a process of study. It was 20 years ago and I don't think it would be unreasonable that we would support a study of adoption laws and practices in the new millennium because adoption has changed. We don't have closed adoptions like we did before.

Some of the greatest moments I've had, and the most telling and emotional moments, have been the privilege and honor of handling adoptions, private adoptions and some agency adoptions, for couples and birth mothers in the state of Maine. It is a very rewarding experience, something all of you I think would have the same feelings that I have, knowing the colleagues in this Body. It is really an issue that needs to be looked at and not just in one way. The study that was prepared in 1988 and 1989 was a comprehensive study. As the good Senator from Sagadahoc, Senator Benoit, said, it was over 100 pages long. It was give and take by all the parties. If you talk to most of the individuals who participated proactively in that process, they came away from it with a good experience. What we're asking this time is to have an opportunity to review the adoption laws, not just looking at one particular aspect, but looking at the whole triad. That's why I think it's important to put the other issues aside, and vote how you want with your conscience when those bills come before this Body. Look at this bill separately as a means of education, because Maine does need to educate everyone in this very important issue of having the family by a different means. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I will be very brief. I voted Ought Not To Pass on this particular issue. I know the Legislature dealt with very similar bills on the same subject last session that were debated at length. Those bills from last session had long public hearings and work sessions. The bills this year have had very long and very thorough and very professionally handled work sessions. I think all the issues on this subject have been vetted. They're very emotional, very tough decisions for people to make and for Legislators to make. In the end, once I thought about it, in this case I came to the conclusion that I didn't think a study would accomplish anything or change anybody's mind. That's why I voted Ought Not To Pass on this particular bill. Thank you.

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

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. The Judiciary Committee has struggled with this issue for two years now. I was co-sponsor of this bill, but in the end I felt I couldn't support it. The issue before the Judiciary Committee was really one issue: access to birth certificates by adopted children. That's the impetus of the bill before us. I do believe that the adoption laws should be reviewed, they do need some changes, and I wish that the parties could actively do that. I have come to the conclusion that the parties on this one issue, which is central to the debate in the Judiciary Committee for the last two years about access to birth certificates, are unable or unwilling to compromise. I wonder what a study committee will do. I did not sense a willingness to get into a room with stakeholders to try to work some compromise out.

I want to compliment the Senator from York, Senator Hobbins, for his handling of these debates over the last two years. I have to say I can't believe, especially on the issue of access to birth certificates, that these stakeholders can find a common ground. I wish they could. I seriously wish they could. We'll have another debate on this in the next day or two. I just wanted to explain my vote.

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise again just to briefly read to you from the key findings of the 1989 task force study. 'The practice of sealing adoption records, instituted in the 1950's, has contributed negatively to emotional and psychological health issues suffered by members of the triad. In general, openness in adoption is a more sound approach, recognizing the necessity for certain limitations. All triad members must have continuing access to medical and genetic information. Public awareness of the adoption process is woefully lacking.' I believe that if some of these key findings had been implemented back in the early 1990's we would not be here having this discussion.

I'm an adoptee that was blessed with parents like the Senator from York, Senator Hobbins. I have great parents. For 56 years they have devoted the 52 to me and 50 to my brother, who was adopted from another set of birth parents. I've engaged

in this conversation all the way around. I respectfully say that I think a study is just going to stifle and smother what needs to be done. I'll take it one step further and share with you that I have offered my services as an adoptee that came from a very healthy adoptive situation and holds no ill will to my birth parents whatsoever. I would be happy to work with the Catholic Diocese and the adoption agencies that are here in the Chamber on any kind of a project that they put forward, or any kind of roundtable discussion to help move the openness of adoption into a place where there is no shame and no fear and it can actually become one of the choices in the way that it needs to become a choice. If we believe in choice, adoption needs to be right at the table with everything else we're offering up for choices. I, once again, will urge you to please not support the pending motion and to vote for the Minority Report. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. Here we're sort of lapsing into debate on the other bill. What I would just suggest to all of us is to consult the green sheet we have on our desks. There has been a very extensive study. The final report of 103 pages and 117 recommendations. This is a tough issue. It might be tough for some of us to push red or green, but I think it's important that we not support this study and instead make an even tougher decision on another bill that will come before us. I urge you to oppose the pending motion.

On motion by Senator **BENOIT** of Sagadahoc, 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 York, Senator Hobbins to Accept the Majority 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 (#171)

YEAS: Senators: BARTLETT, BOWMAN, BRYANT, HOBBS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRANNIGAN, BROMLEY, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **HOBBS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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 Clarify Election Laws Concerning Election Clerks' Qualifications" (EMERGENCY)

H.P. 29 L.D. 27
(C "A" H-568)

In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568) AS AMENDED BY HOUSE AMENDMENT "A" (H-587)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MARRACHÉ** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Enact the Home Care Consumer and Worker Protection Act"

H.P. 1069 L.D. 1544

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

In Senate, June 18, 2007, on motion by Senator **BRANNIGAN** of Cumberland, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**, in **NON-CONCURRENCE**.

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

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Adjust the School Funding Formula with Regard to Unorganized Territories"

H.P. 368 L.D. 484

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-261)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

HARLOW of Portland
EDGECOMB of Caribou

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-261) AS AMENDED BY HOUSE AMENDMENT "B" (H-600)** thereto.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-261) **READ**.

House Amendment "B" (H-600) to Committee Amendment "A" (H-261) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-261) as Amended by House Amendment "B" (H-600) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 Clarify Confidentiality in Child Protective Proceedings
S.P. 194 L.D. 602
(C "A" S-303)

An Act To Exempt from Excise Tax Maine Military Personnel Who Are Serving Their Tours of Duty in Maine
H.P. 678 L.D. 893
(C "A" H-580)

An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits
H.P. 1091 L.D. 1566
(S "A" S-306)

An Act To Allow the City of Auburn To Adjust the Definition of "Original Assessed Value" for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District
H.P. 1324 L.D. 1892

An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism
S.P. 707 L.D. 1907
(C "A" S-297)

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

An Act To Protect Fair Share Workers from Termination
S.P. 714 L.D. 1915
(C "A" S-274)

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 Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. May I pose a question to the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Does this bill actually say that the State of Maine can reach into an employee's checking account and deduct fees from their bank

accounts? Is that something that we can actually do and is that what this bill says?

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

Senator **STRIMLING:** Thank you, Madame President. I will attempt to answer the question. What this bill does is it makes sure that those fair share workers, there are a couple hundred of them who have decided not to follow the law, not be fired for that. What we do instead is create an automatic deduction. If they choose not to have that automatic deduction, I presume they can decide to work somewhere else. What this does is protect them from being fired. The bill also puts some additional protections in there as they pay. Because they are now paying, we want to make sure they have a little more say about what happens within the union. They have an ability to have an audit of how that money is spent, and if they filed a complaint about how that money was spent, then an outside body would take a look at it. There were a number of issues that fair share workers brought to the attention of the committee. We brought those in and put them in here. By voting for this you will make sure those workers are not fired.

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

Senator **SNOWE-MELLO:** Thank you, Madame President. May I pose a question to the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SNOWE-MELLO:** Thank you, Madame President. I would like to know, does this act protect workers that have really done a disservice to their employers? I think we have to be careful. We want to make sure they're going to do their job, they come in every day, they work, and have good attitudes. Of course we want to keep those workers. In this legislation are we protecting those who aren't doing their best for their employer?

THE PRESIDENT: The Senator from Androscoggin, Senator Snowe-Mello poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. In answer to that question, no it does not protect those workers who are doing a disservice.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#172)

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

NAYS: Senators: BENOIT, COURTNEY, DOW, 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, 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:

Acts

An Act To Increase Access to After-school Programs
H.P. 61 L.D. 63

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

An Act To Provide Funding for Mentoring Programs
H.P. 63 L.D. 65

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

An Act To Increase the Availability of Cellular Telephone Service for Rural Residents

H.P. 249 L.D. 305

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

An Act To Provide Funds for the Coordination and Promotion of the 400th Anniversary of the Popham Colony

S.P. 100 L.D. 318

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

An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use

H.P. 279 L.D. 349
(C "A" H-548)

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

An Act To Create the Maine Fishery Infrastructure Tax Credit Program

H.P. 288 L.D. 358
(C "A" H-581)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, 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 Fund the Western Maine Career Centers

H.P. 439 L.D. 572

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

Emergency Measure

An Act To Support the Capital Riverfront Improvement District

S.P. 195 L.D. 603

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

Emergency Measure

An Act To Assist the Community Affected by the Closure of the Cutler Naval Base

H.P. 559 L.D. 738
(C "A" H-558)

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.

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 Establish a Pilot Program for Return of Unused Prescription Drugs by Mail

H.P. 327 L.D. 411

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

An Act To Provide Funding for Transitional Employment Training Opportunities for Persons with Mental Illness

H.P. 506 L.D. 657

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

An Act To Promote Economic Growth through Entrepreneurship, the Creative Economy and Rural Economic Development

S.P. 207 L.D. 670

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

An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee

S.P. 211 L.D. 674

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

An Act To Fund the Fractionation Development Center
S.P. 224 L.D. 707

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

An Act To Encourage Wind Energy Development
S.P. 351 L.D. 1099
(C "A" S-313)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, 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 Provide Funding to the St. Francis Water District for New Wells

H.P. 157 L.D. 186

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

An Act To Support the Maine Keeping Seniors Home Program
H.P. 614 L.D. 817

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

An Act To Amend the Animal Welfare Laws
H.P. 1137 L.D. 1615
(C "A" H-567)

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

An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers
H.P. 1364 L.D. 1926

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

Resolve, Honoring Women Veterans of Maine
S.P. 85 L.D. 248

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS 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:

Resolves

Resolve, To Provide Information to Maine Citizens Regarding Maine's Tax Laws

H.P. 970 L.D. 1378
(C "A" H-571)

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

Resolve, To Improve Maine's Homemaker Services Program
S.P. 606 L.D. 1699
(C "A" S-299)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS 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:

Mandate

An Act To Provide Information to Property Tax Payers
H.P. 837 L.D. 1144
(C "A" H-570)

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

ORDERS OF THE DAY

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

Emergency Measure

An Act To Regulate Outdoor Wood Boilers
H.P. 1272 L.D. 1824
(C "A" H-494)

Tabled - June 18, 2007, by Senator **WESTON** of Waldo

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494)**, in concurrence.)

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

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

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

An Act To Make Minor Substantive Changes to the Tax Laws
H.P. 1054 L.D. 1504
(C "A" H-550)

Tabled - June 18, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence.)

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

On motion by Senator **PERRY** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-550), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-307) to Committee Amendment "A" (H-550) **READ**.

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

Senator **PERRY:** Thank you Madame President. This is just a very short technical amendment which helps clarify the definition of what a 'casual sale' is. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-307) to Committee Amendment "A" (H-550) **ADOPTED**.

Committee Amendment "A" (H-550) as Amended by Senate Amendment "A" (S-307) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550) AS AMENDED BY SENATE AMENDMENT "A" (S-307) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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)

Tabled - June 15, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**, in concurrence.)

(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.

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

The Chair laid before the Senate the following Tabled and Later (5/15/07) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Changes in the Essential Programs and Services Funding Formula Concerning Labor Market Areas"

H.P. 42 L.D. 44

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-210)** (3 members)

Tabled - May 15, 2007, by Senator **WESTON** of Waldo

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, May 10, 2007, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise briefly to speak to the pending motion. The essential programs and services formula, or EPS, is a curious creature. Its hallmark, according to its supporters, is that it has eliminated cost-based budgeting for K - 12 education and it gets rid of the past practice of reimbursing districts based on what they spend. When it comes to the areas of the most disadvantaged, less affluent areas of the state, EPS appears to measure, institutionalizes, regional disparities between wealthy areas and poor areas. While the widest and most consistent voices of protest against this come primarily from rural areas, its disadvantage is more than just that of rural areas. In fact, it has a widespread impact across the state, specifically less affluent areas of the state, in places like Auburn and Augusta, Bucksport

and Caribou, Deer Isle and Stonington, Dexter, Ellsworth and Farmington, Lewiston and Lincoln, Pittsfield and Presque Isle, Rumford, Waterville and Winslow. Let's put some equity into the EPS formula and put a stop to institutionalizing regional disparities in State law. I urge you to vote against the pending motion so we can move on to consider this issue more fully and address the issue of the effective date of the act. Thank you.

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

Senator **BOWMAN:** Thank you, Madame President. L.D. 44 would change the EPS labor market factor to 1.0 statewide. I believe that this proposal has come before the Legislature previously and has been defeated. The other Body defeated it in this legislative session. I predict, although I'm not really a soothsayer, if it was defeated in the 123rd by this Body, we will see it again in the future. Passing L.D. 44 would transfer approximately \$25 million from southern coastal property-wealthy Maine to other regions of the state in fiscal year 2008, which starts in two weeks. I believe that there may be an amendment, but I haven't seen it yet, to start the next fiscal year. I am strongly for those that have the wherewithal supporting those that don't. L.D. 44, in my opinion, tests my compassion. I think it is too much. Coming from Southwestern Maine, I cannot support this bill and I urge you to support the Majority Ought Not To Pass report.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. Just a few quick remarks. This labor market area has been a thorn in the side across the state, and not necessarily in rural areas. If you look on your desks, there's an option two listed there. I think there are 35 labor market areas. I'm always striving to understand this labor market area issue. I've talked with folks in the Education Department and they say that this is really an area where salaries for teachers are lower. It's the average salary for the teachers in the area, not necessarily the area itself. If you look at the paper that's been given to you, if I take out the Patten and Island Falls market area, the Houlton market area, Presque Isle, Fort Fairfield market area, this amounts to \$2.9 million. You can talk about the discrepancy between North and South and who pays what and where, but I think \$2.9 million means a lot more in a rural area. If you're familiar with the labor market, with that economic multiplier, that's about \$10 million taken out of the rural area. This is 443 teachers, give or take a few teachers, so it has a dramatic impact. It's easy to say that it's rural, but if you look at some of the other numbers on here, you'll find out that it's more than rural. It has to do with the average teachers' salaries. What you're really doing is institutionalizing lower teachers' salaries.

I talked with a gentleman in the Education Department at length, about a half hour one day until he finally got disgusted with me. His parting comment was, 'If they paid the teachers more, we'd send them more money.' I don't know where the cart or horse is there, but it seems to be in juxtaposition to reason. Thank you.

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

Senator **WESTON**: Thank you, Madame President, men and women of the Senate. For a long time I worked with EPS and I believed in the promise. One of the sticking points was, indeed, the labor market. Of course, originally we were talking about the real labor market, not the teachers' labor market. One of the oddities that happened with this formula is that it has, indeed, hurt many districts. The labor market is supposed to reflect the cost of living. Therefore, the EPS formula needed to take that into account and allow a higher salary within the formula for those areas. On the other hand, if you lived in a rural area, you had a different problem. You had a transportation issue, which cost you more because of the extra miles your busses had to drive. Instead of taking that into account and adjusting upward, EPS adjusted downward and penalized rural areas. So whether or not this bill, as it is or perhaps as amended to follow, is the answer, we certainly have never fixed that problem. I think this would go a long way into doing that. Thank you.

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

Senator **COURTNEY**: Thank you, Madame President. I just want to chime in a little bit on this because even some of us in Southern Maine have difficulty with the different labor markets. Within my district I have two of the school districts that are much lower than some of the coastal areas, so there is a concern. Unfortunately, I don't think that this is the way to fix it. I think that this is just too big of a shift. I think there may be a better way to shift it and have it done at another time, would be to shrink the difference between the top and the bottom. I think that if we work together in that way, we might be able to come up with something that isn't quite as dramatic. From this Senator's perspective, I'll be voting against this bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#173)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, COURTNEY, DAMON, DOW, HOBBS, MARRACHE, MITCHELL, NASS, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, DIAMOND, GOOLEY, HASTINGS, MARTIN, MCCORMICK, MILLS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Allow a Tax Credit for College Loan Repayments" I.B. 2 L.D. 1856

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-414)** (12 members)

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

Tabled - June 6, 2007, by Senator **MITCHELL** of Kennebec

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

(In House, June 6, 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-414)**.)

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

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

READ ONCE.

Committee Amendment "A" (H-414) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (6/15/07) Assigned matter:

SENATE REPORTS -from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend Maine's Bottle Laws"

S.P. 603 L.D. 1696

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-325)** (9 members)

Report "B" - **Ought Not to Pass** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-326)** (1 member)

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

Pending - motion by same Senator to **ACCEPT** Report "A",
OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "A" (S-325)

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I'm sure as I rise some of you are bracing for a very long debate on the bottle bill. I'm going to promise you we're not going to do that.

For those of you who weren't around when the original bottle bill was enacted, the purpose of it was, at least in the Legislature, to deal with the refuse issue, the litter issue. That has been a resounding success. I hear we have a 90% redemption rate. However, one of the problems has been the redemption centers, the free-standing redemption centers. They were certainly an anomaly. That wasn't how the initial bill envisioned redemption. They thought it would take place in the stores that sold the product. They were a bit of an anomaly. They sort of grew up. They solved the problem for some of the big stores. They have been operating fairly well for some years. What happens is their fee is set by us. It's part of the handling fee. The only way they get a raise is either by efficiencies in their business or we, as a Body, raise the handling fee.

This bill asks us to raise the handling fee. On the surface that sounds okay, except one of the things that happens when we raise the handling fee is there is a proliferation of more redemption centers. Then what happens is they find it even more difficult to make ends meet. The redemption centers that don't sell product, that don't have another line of business, are having a great deal of difficulty. The committee struggled this year to try to come up with some kind of plan that would increase it a little bit but not increase it too much. We didn't want to proliferate more redemption centers. We didn't want to penalize some of the distributors that are trying make efficiencies. The Majority Report got as close to that as possible.

We were in the process of trying to amend it. I will end by saying that it's an imperfect product as it is before us, so vote your conscience.

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

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

Senator **SULLIVAN:** Thank you, Madame President. This is a difficult debate to be having for me. The truth of the matter is that if this bill is passed, a quarter of a penny will do absolutely nothing for the free standing redemption centers. One thing I would disagree with the good Senator from Cumberland, Senator Bromley, on is that if you were to go and drive around you would see that many of these little redemption centers that sprouted up because they thought it was easy money are now down. Lyman, Saco's large one, Madden's is about to close, actually to sell to machines. You need to be careful. What the bill allows is to take

care of reverse vending machines. Reverse vending machines are where, instead of putting money in and getting a product out like you do for soda or any of those, you put product in, the empty containers, and they give you money back. That's a reverse vending machine. Those are the things that you see at the local supermarkets like Shaw's and Hannaford's. You go and feed that in. All those non-profits in your area that have bottle drives are going to have a problem. They are going to start closing because they cannot keep up with the costs. There's not a thing here in 30 years that has not gone up in cost to run a business. We've asked our redemption businesses; they are dirty, nasty businesses. When I say 'dirty' I'm talking about who wants to handle that stuff every day? With absolutely nobody to lobby for them here, for 30 years they've gone with several cost increases in minimum wages, fuel, real estate taxes, payroll taxes, employment taxes, and one of the highest ratings going for workers' comp because they are rated along with commercial recycling centers because they have big bailers and all. We are taking the small redemption center and we have said over and over again, 'No, we won't give you the money.'

This offers a quarter of a cent. I met over the weekend with redemption people and they clearly said to me that a quarter of a cent is not enough. My redemption center's up for sale. There goes our bottle drives. There goes our bottles. You know who you feed when all these redemptions centers go bad. This is what the big distributors would like you to do. Unlike Massachusetts, Maine is not the agent. It's the big bottlers. It's the people in the hallways lobbying for them. Every time you say, 'I'm not taking these bottles to the store, I don't have time to throw them into that machine that crashes on me or doesn't do this and I have to wait in line to get my money back,' the bottlers sit there and go, 'Yeah, that's good.' That 5¢ you paid at the grocery store goes to them. It's a great way to make money. You paid the 5¢, you've just paid 5¢ more not to recycle, not to control the environment and the recycling waste line. It's a sad commentary. Massachusetts is much smarter. They have the machines but guess who's the agent, the State. Even though Massachusetts only has a return rate of about 60%, and ours is much closer to 90% or above, guess what, Massachusetts gets about \$66 million of what's called float money. They get to keep and use in their budget. They win either way. People decide not to use those machines, super, they still get this money. Not the State of Maine. We want to give it to the big companies that are already making plenty of money.

I have to vote against this because it's not enough money to do anything. It still puts them out. It still gives a bigger float. That's okay. You can go home and answer to your small non-profits and tell them why they're going to have to collect all the bottles and then feed them, one at a time, into the reverse vending machines. There's a problem here. Unfortunately, a quarter of a penny does not answer it. I would ask any of you to think about the last 30 years of fuel, electricity, water, sewer, and taxes. See if a quarter of a penny would make a difference. A quarter of a penny won't work. I can settle for something less, but this is not it. I would ask you to vote against this. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. The committee struggled with this, struggled to get our arms around it. I'm disappointed that the

good Senator from York is dissatisfied with the results of the committee. One of the things we tried to do is to limit the number of redemption centers so they wouldn't be springing up everywhere. I guess if the good Senator from York feels it's not good enough, then I'll go along with her and we'll try again next year.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I don't want to mislead you and I believe I might have. I said I would vote against this. I did not say that there is not something I would settle for. I'm voting against this because, as the good Senator from York County knows, there is another report. There is a way out of this, to buy us some time as we really look at and get our arms around this, and perhaps save some jobs and something for the environment here. It is not my intention to be voting against this with the idea that this ought not to pass. I would much rather see this one die, but I'm prevented from saying there is something else I would rather offer.

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

Senator **NASS:** Thank you, Madame President. May I ask a question to the Chair? Does anybody know how much this costs our economy, a quarter of a cent, a quarter of a penny? It doesn't sound like much on a can of soda, but it does add up. If anybody knew what the total was, I'd appreciate it.

THE PRESIDENT: The Senator from York, Senator Nass poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. It does not cost our economy anything. The quarter of a penny would cost the large companies; the Coke, the Pepsi, things like that. They pay at the present time 3.5¢ or 3¢ per unit that is redeemed. We are asking for 4.5¢, another half a penny. Can Coca-Cola and Pepsi afford to pick up the cost? Probably, but they won't. Like all big companies that can raise their prices, can find a way to make more profit, they'll pass on that quarter of a cent and tell you how they're going to go broke. There is no cost to that returning. I would suggest that if the bottle bill were to fail, and people all decide to use machines, you will find more and more along the roadsides. I will maintain that the costs there on our beaches and on our pristine land will be a much larger cost than a quarter of a penny that we are asking the large companies to pay. Thank you.

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

Senator **NASS:** Thank you, Madame President. Since the answer wasn't forthcoming, it is my understanding that the cost of a quarter of a cent adds about \$2 million to the economy, to whomever. It's very simplistic to say, 'Well, they're big companies and they can cover it,' but however you want to consider that, it's \$2 million. The other thing that we've heard today about bottles not being redeemed, how about the bottle that I buy in New Hampshire that has the indicia on it? There are thousands of

those all over. It's hard to find one in New Hampshire, at least in my area close to us, that doesn't have the indicia on it. When I buy it there, let's say it somehow gets into the stream of being cashed in here in Maine. Who pays for that? This same system does. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. I believe there was a question in there and I rise only to answer the question. I think there might have been a question not posed as a question. However, the large companies do have the option at this time to put an insignia, an 01, at the end of their UPC code. They could actually control that so a machine would pick that up. They've chosen not to because it makes a great way of winning this argument about how they're paying for unredeemed things. It does not match the number of cans of soda and beer that are taken out of here and a deposit is paid on them. They know a good thing when they see it. Thank you.

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

Senator **FLOWMAN:** Thank you, Madame President, men and women of the Senate. I spoke just a teeny bit about this last week because it was off subject at the time. This is another one of the bills where we've taken an elephant gun to shoot a bunny.

I remember when I first came to the Legislature in 1993. We fought over the leftover money. It was called 'escheat.' I could not understand what the word 'escheat' was, but that's the money that's not redeemed when the bottles don't make it into the stream. There was so much money back then that the State was fighting for it to pay some of its bills. I have never seen such an intense fight.

We don't get that escheat in the same stream that we used to. It now goes to the distributors and the distributors use that to offset when they get bottles from other states that haven't had the 5¢ redeemed. There's still leftover money. Eventually, after a very long time, I understand that it does finally flow into the State coffers. Not quite as much, but if there's still money left, because distributors have this money that's been put into this reserve account for them to draw on, than it seems like we're still balancing one business' cost on the backs of another business.

I'm all for helping out the 800 small little businesses that started up. If you go into the one in your town, you'll find that the owners are working there. They use to hire some high school kids. They can hardly afford to hire them anymore because of the cost of workers' comp and the taxes on real estate. The people who are working the hardest with the dirtiest job are making the least amount of money. I would ask you to give these people a hand and move on to the report that does do that. Thank you.

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

Senator **BRANNIGAN:** Thank you, Madame President. Unfortunately, I've been involved in this. I came into that committee in 1980, when this had just been formed, this new approach. I would just clarify that the State never received the float. The float has always been in the hands of the system, which is mainly the distributors. We tried to, we talked about it,

and we fought over it, but so far the argument is about the bottles. I'm pretty disappointed that the Senator from York, Senator Nass, would go over to New Hampshire, buy there, and put it in our stream. That's terrible. I don't know about out in the country where you are, but in the city you can recycle. I have a blue box. If I paid, I put it in there. If by chance something should float from somewhere else, I put it in the blue box. Otherwise I take it back and get my redemption. I encourage everybody to be more careful about the way they handle themselves. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President. I rise to endorse the recommendation of the Senator from Cumberland, Senator Brannigan. I was hoping to spare you all this, but one of the things we did a couple of years ago was to create co-mingling agreements, or require co-mingling agreements be made. If you don't know what those are, you're lucky. What we wanted to do was recognize that small redemption centers are having a very tough time, particularly ones that don't have another business revenue line, and give them some efficiency. When they had 10 different kinds of aluminum cans, they had to sort them all separately. The distributors enter into these. It's pretty legendary to get Coke and Pepsi to sit down and make an agreement. It's no small thing. They made these agreements so that they could just throw all the cans in together. That's beginning to work. It's still relatively new. It's, as you can tell, a very delicate balance in the system and unfortunately the Majority report doesn't quite do what we need to do. We are doing everything we can to help redemption centers.

THE PRESIDENT: The Senator from York, Senator Sullivan, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **SULLIVAN:** Thank you, Madame President. In truth I was going to ask you for that, Madame President, but I just wanted to remind you that twice I did stand up to answer questions.

I simply want to say real quickly that, yes, co-mingling worked. I sat as the House chair at the time when we came up with this. A funny thing happened. Those distributors, those big people who had all the lobbyists here, came up with a new thing. We'll co-mingle everything, but you have to separate now by size. Have you seen all the new sizes? You've got the refrigerator pack with all those sizes. You've got 12 ounce and 14 ounce. When you're handling those do you really stop and look? I don't know how many ounces a can of soda is, and I have to look carefully. Those cans, different sizes, the keg-shaped cans, which are not soda but I wouldn't know about those, and all those different sizes. You can co-mingle, but you have to co-mingle by size. So 22, 14, 12, 8, 6; all those sorts are there and those people working for next to nothing are figuring that sort out. What we thought we fixed, they outsmarted us again. Here they are again, ready to outsmart us again. I'm disappointed to have to stand up and say that we've been outsmarted because I sat on that committee and thought we had done our job. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to

Accept Report A, Ought to Pass as Amended by Committee Amendment "A" (S-325). 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 (#174)

YEAS: Senators: None

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

ABSENT: Senator: BENOIT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-325), FAILED.**

Senator **SULLIVAN** of York moved the Senate **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-326).**

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. Just to be clear, Report "C" is an even greater increase in the fee. I believe it's one half cent more than the other report.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Accept Report C, Ought to Pass as Amended by Committee Amendment "B" (S-326). 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 (#175)

YEAS: Senators: BARTLETT, BOWMAN, BRYANT, COURTNEY, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MILLS, NUTTING, PLOWMAN, RAYE, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BRANNIGAN, BROMLEY, DAMON, DIAMOND, HASTINGS, MCCORMICK, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, TURNER

ABSENT: Senator: BENOIT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator SULLIVAN of York to **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-326)**, PREVAILED.

READ ONCE.

Committee Amendment "B" (S-326) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-326)**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/15/07) Assigned matter:

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-564)** (5 members)

Tabled - June 15, 2007, by Senator BRYANT of Oxford

Pending - motion by Senator MARRACHÉ of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 15, 2007, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564)**.)

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

Senator MARRACHÉ of Kennebec requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

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

Senator COURTNEY: Thank you, Madame President. Could someone please read Senate Amendment "A" or give us a nice explanation.

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

Senator BRYANT: Thank you, Madame President, ladies and gentlemen of the Senate. What you have before you is a bill that's been around a little bit. It's a very important bill. It's important to non-profits, and according to the VFW, it's important to non-profits that within a community that are trying to maintain monies to help the community and keep that money within the community. The bill is different now because we have a central monitoring system that will allow poker machines to be monitored and the money monitored to reflect exactly what's going on. What this bill will allow you to do is to have five machines within an establishment that's already established. As we've talked about this before, there have been a number of, what has been termed, gray machines or gray areas. What this bill does is clarify that, puts controls around that, and use the central monitoring system that was created by the State to monitor that. I think all the pieces are put back together now and I urge you to vote for the pending motion.

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

Senator WESTON: Thank you, Madame President. May I pose a question to the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator WESTON: Thank you, Madame President. I believe I'm reading that this is a change in the distribution of income. The non-profit keeps 50% and the General Fund 39%. Can someone tell me what the original formula was?

THE PRESIDENT: The Senator from Waldo, Senator Weston poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator BRYANT: Thank you, Madame President, ladies and gentlemen of the Senate. The original piece for the distribution didn't change. What we did change was some of the, I was trying to remember for Senator Plowman, drafting language that made it

so that the town must be aware of it and it must go through the board, and a number of scenarios around strengthening through the town.

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

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. I get complaints quite regularly from people who are trying to operate for-profit bars, restaurants, nightclubs, and night spots in the area around where I live because they say that the non-profit entities, the clubs, have an unfair advantage over them in regard to smoking, for example. If this bill passes, in the form proposed here, it will allow non-profit bars to go into the gambling business, into the casino business, and draw away what little business there is left from legitimate night places that are trying to make a living the good old-fashioned way. If this bill passes, the next thing down the pike would be that the for-profit night places will want to be casinos as well. There's no end to where this extension of slot machines will go. It just seems to me a shame that we even got started on this, and if we continue down this path, prepare yourselves for many more bills in the future. I think this bill, as presently written, is dreadfully unfair to for-profit business enterprises that are trying desperately to compete with some of the non-profit clubs that already have an unfair advantage over them with regard to smoking.

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

Senator **LOWMAN:** Thank you, Madame President. I stand just to correct one thing that was said on the floor. This is not the bill to which I asked for the local control. The local control was the games of skills tournaments that would be held in different towns. This bill has to do with slot machines. The amendment that you were told had my local control issues on it is not on this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant 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 (#176)

YEAS: Senators: BENOIT, BRYANT, DAMON, DIAMOND, MCCORMICK, MITCHELL, NUTTING, RAYE, SHERMAN

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, COURTNEY, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MILLS, NASS, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Enact the Home Care Consumer and Worker Protection Act"

H.P. 1069 L.D. 1544

Tabled - June 18, 2007, by Senator **BRANNIGAN** of Cumberland

Pending - **FURTHER CONSIDERATION**

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

(In Senate, June 18, 2007, on motion by Senator **BRANNIGAN** of Cumberland, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, June 18, 2007, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**, in **NON-CONCURRENCE**.)

On motion by Senator **MITCHELL** of Kennebec, the Senate **ADHERED**.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Tuesday, June 19, 2007, at 9:00 in the morning.