

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature

State of Maine

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

In Senate Chamber
Wednesday
June 20, 2007

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

Prayer by Senator Lisa T. Marraché of Kennebec County.

Senator **MARRACHÉ**: Good morning everyone. Let's be in the spirit of prayer. Father in Heaven, You are strong in justice and Your mercy is great. Protect us from the burdens and challenges of this day. Shield our minds from the distortions of pride and self will and enfold our desires and stances in the beauty of truth. Help us to be more aware of Your loving design so that we may be able to change or modify our positions in the light of Your known will. As is always the problem at the end of the session, if the news reports emitting from this Chamber are bad we pray that it is the fault of the reporters and not the members. Amen.

Reading of the Journal of Tuesday, June 19, 2007.

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.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

James K. Dionne, of Winthrop, on his retirement after more than 36 years of service to the State of Maine, the last 6 and a half years with the Maine State Legislature's Office of Fiscal and Program Review. Prior to coming to the State House to work for 7 legislative sessions, Jim served in various positions with the Department of Labor, including 16 years as Director of Administrative Services. Jim began with the Office of Fiscal and

Program Review as Legislative Analyst and quickly advanced to the Principal Analyst position, where he coordinated staffing of the Appropriations Committee. Jim is known for his wonderful sense of humor and his friendly manner, always cheerfully maintained despite the long hours and demanding workload of his job and which will be missed by his colleagues and friends in the State House. We acknowledge Jim's dedication to the State of Maine and we send him our grateful appreciation for his contributions to the Legislature with our congratulations and best wishes on his retirement;

SLS 326

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Senators: President EDMONDS of Cumberland, MARTIN of Aroostook, McCORMICK of Kennebec, MITCHELL of Kennebec, ROSEN of Hancock, TURNER of Cumberland, WESTON of Waldo, Representatives: CAIN of Orono, CRAVEN of Lewiston, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FLOOD of Winthrop, GILES of Belfast, MILLETT of Waterford, MILLS of Farmington, PINGREE of North Haven, ROBINSON of Raymond, TARDY of Newport, VALENTINO of Saco, WEBSTER of Freeport.

READ.

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

Senator **ROTUNDO**: Thank you, Madame President, men and women of the Senate. It's hard for me to know where to begin in praising Jim Dionne. It's just been such a great honor and privilege to be able to work with him for the past six years. Patient, good-humored, and a work ethic that is second to none. Jim has always been there for us; guiding the Appropriations Committee with his wisdom and infinite knowledge and we just owe him an enormous debt of gratitude. Recently somebody was saying to me that when Jim retires they're going to have to hire two people to take his place because he just works so hard. He's in early in the morning, very, very early. He works weekends. He is a devoted family man. I'm very glad that now at least his family will be able to see him over the weekends, have him home in the evenings, and have him home in the morning. Jim is trusted by everyone that works with him. That's just such a wonderful gift to be trusted; to have the knowledge that you have and that you share with others believable in that way. I just have the deepest respect for him. We will miss him enormously and I just thank him for his wonderful years of service to the Legislature and to the people of Maine. Thank you.

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I don't know quite where to begin. Perhaps I'll start at the end, which is I tried twice to insert an amendment to L.D. 499 to delay the retirement of Jim Dionne. Both times he managed to strike both of those amendments, claiming that if he didn't do so he'd end up in divorce court. I think when I think of Jim Dionne I think of the very best public servant and State employee. Incredibly cheerful, incredibly hard-working, and always there to help you no matter what time of day

or night. Some of you who have served on the Appropriations Committee know that we have legendary hours. What perhaps you don't know when we struggle out of the building late at night Jim Dionne stays behind and cleans up all the messes and tidies everything up so that when we come back in the morning there's the cheerful, bright-eyed smiling Jim Dionne ready to get us on the straight and narrow again. So he's been an incredible resource to the Legislature, as a whole, and a special resource to the Appropriations Committee, obviously. He'll be remembered for many things, not the least of which is the so called Jim doc, which is secret information that would allow us to figure out what the heck we're doing from one moment to the next. Often times, and last night was no exception, we'd be making a series of motions and trying to keep ourselves straight. At one point or another we'd say, 'Where the heck are we?' and Jim would immediately come to the floor and explain to us where we were, get us back on track, and allow us to get out of the building before the sun came up. He will be very much missed. I wish him the very best of retirements. He has a cabin in the woods where he claims at night you can only see stars and no other lights from any other building. He has threatened to spend a little bit of time in Florida as well but I think his heart is in Maine, his heart will always be with the Appropriations Committee in the Maine legislature and we will miss him very much. Thank you, Madame President.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Those of us who've been here understand the importance of the Fiscal Office and the integrity and the correctness of every number that is crunched down there. It is certainly a bonus that the person who is responsible for that is cheerful, friendly, fun, and so approachable. That's what has made this an experience, which for many that would be intimidating, into a learning and positive one. I thank Jim Dionne for that.

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

Senator **ROSEN:** Thank you, Madame President, and Senate colleagues. I want to join with many of the other members of the Senate that have had the good fortune of serving on the Appropriations Committee and working with Jim. I was lucky enough to serve on the Appropriations Committee for two terms and was there when he came over from Labor and started his service with the Appropriations Committee. It was a great pleasure to work with him. He is highly motivated and very conscientious, as we've already heard. He is so conscientious that occasionally, when I would attempt to ask a question of someone before the Committee as a Committee member that might generate a reaction from the people before the Committee or from the audience, Jim would move into action to get the information that I was requesting. We had to develop a signal that certain questions weren't necessarily intended for him to seek out the information, but were prompted to just provide some information from the folks that were in front of the Committee. We had the tie flourish as the signal that you didn't have to necessarily jump into action on that one. He was always ready to

at any moment. He is a true public servant because he really did serve the public.

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. I also join all the words that are being said about Jim and I guess the most amazing part about Jim's ability to deal with people is the fact I've never seen him upset with anyone, including myself, for all the things we sometimes put staff through and he was more than willing to respond to every question that was posed, even though some of them being totally ridiculous. I think that more than anything else he'll missed for being the face that people, see always smiling. You know he doesn't really mean it, but the smile is there, and you know that what people see is very often what is most important as citizens come to testify before the Appropriations Committee. I certainly wish him the best in his retirement and I'm sure he'll be coming back to visit from time to time.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Jim Dionne of Winthrop. Would he please rise and accept the grateful thanks of the Senate.

J. Lockhart Kiermaier, of Augusta, on his retirement after nearly 23 years of dedicated service to the Maine State Legislature and the people of the State of Maine. Prior to arriving at the State House, Lock was a special education teacher in the midcoast area. He went on to receive his Master's Degree in Public Administration from the University of Maine at Orono and immediately began to work for the Legislature in the Office of Fiscal and Program Review in 1984 with the Audit and Program Review Division, providing staff assistance to the Joint Standing Committee on Audit and Program Review. In the early 1990s, Lock joined the Finance Division of the Office of Fiscal and Program Review. He held many assignments in that division, most visibly with the Joint Standing Committee on Transportation, where he ably served and guided the committee through many budget deliberations over the years with a very effective communication style. We acknowledge Lock's commendable contributions to the State of Maine, and we send him our appreciation for his extraordinary efforts in serving the Maine State Legislature. We extend our congratulations and best wishes to him on his retirement;

SLS 327

Sponsored by Senator DAMON of Hancock.
Cosponsored by Senators: DIAMOND of Cumberland, President EDMONDS of Cumberland, MARTIN of Aroostook, MITCHELL of Kennebec, ROSEN of Hancock, SAVAGE of Knox, WESTON of Waldo, Representatives: BROWNE of Vassalboro, CEBRA of Naples, CROCKETT of Augusta, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, FISHER of Brewer, HOGAN of Old Orchard Beach, MARLEY of Portland, MAZUREK of Rockland, PEOPLES of Westbrook,

PINGREE of North Haven, ROSEN of Bucksport, SILSBY of Augusta, TARDY of Newport, THERIAULT of Madawaska, THOMAS of Ripley.

READ.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. As I rise to pay tribute and honor to Lock Kiermaier, I can't help but thinking back to the remarks just put on the record for the previously announced retiree. So many of them pertain to Lock. I was thinking that, whether it's back home in our districts or somewhere else in this great State of Maine, often times, too often times I think, people say rather flippantly and casually, 'You people over in Augusta,' whether it's us, as elected officials, or the State workers. What they fail to realize, what they can't understand and don't see in the day to day contact that we have with staff like Lock, is the extraordinary amount of professionalism and dedication that is exhibited by those whose job it is, whose career it is, and whose passion it is to serve the people of the State of Maine. I've had, in my brief term here in the Legislature, contact with Lock on two committees; my Joint Standing Committee on Marine Resources, and more notably, on my Joint Standing Committee on Transportation, where as lately as just this morning Lock was guiding us through yet another of our obligations and deliberations from that Committee. I was wondering how it was, or how it is, that he can work so effectively with a committee, thirteen independently minded legislators, and then it reveals itself to me, in the sentiment that's being read, that indeed he was a special education teacher for some time. I think that's probably gone a long way in serving him with us and having us being served by him. Whatever the reason, whether it's his training, whether it's his sentiments, or whether it's his total being, Lock has brought to this institution and to this state an effort that we are truly grateful for, and that this Legislature and this state will long benefit from. I know that I certainly speak for the members of the Transportation Committee and I suspect members of this entire Legislature as we wish Lock the very best in his retirement and hope that there calm seas and following winds that will take you to Matinicus, if that's where you'd like to go. Thank you, Madame President.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. For those of us who work closely with OFPR, this is a difficult morning for us we're losing two titans from that office. It's with deep and abiding appreciation for Lock and his service to this Legislature that I stand to honor him today. I'm very sorry for those of you who've never had the pleasure of working with him. He's very gentle, thoughtful, and deeply knowledgeable. I think he knew more about the workings of the intricacies of State budget than just about anybody else. He was always very generous in sharing that knowledge with all of us. Lock, I believe, is first and foremost a very gifted teacher. He is eager and enormously capable of explaining the intricacies of a very complicated State budget. Patient and always hopeful with those he's teaching, he had the faith that we would use the

information he shared with us to good end and that we'd use it to make good decisions for the people of Maine. I would always hope that we were justifying his faith in us. I always appreciated as well Lock's personality and the fact that it emerged through all the spreadsheets and facts and figures that he was sharing with us. He is a compassionate and idealistic man. I was always grateful for the encouragement he would give us along the way, in those dark hours of budget negotiations, that was always very helpful to us. We will certainly miss very much his presence in the State House. We're all greatly diminished by his departure but we appreciate all that he has given us over the years and wish him the very, very best in the future. Thank you.

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

Senator **DIAMOND:** Thank Madame President, men and women of the Senate. I suspect many of you have not had a chance to know and work with Lock. Lock is the gentleman sitting under Abraham Lincoln over there to my right. You'll notice he has always been a sharp dresser and he's noted for that. I'll take you back to 1984 when I was the Senate Chair for the Audit and Program Committee. Lock came in as the brand new young fellow. He was assigned to that Department. Now remember, the Audit and Program Review Committee was a committee that studied, reviewed and looked for inefficiencies in all of State Government. We worked year round and in a ten-year cycle we reviewed all of the State agencies and tried to find ways of improving. Lock was one of the staff members that helped us find the problem with underground gasoline tanks leaking, which became a huge piece of legislation. He played a significant role in writing that legislation. He was just unbelievable. Because of his attentiveness and his attention to detail, we always looked to Lock, back on that committee, as someone we could trust, as you've heard from the previous two speakers. I think after twenty three years, I thought it was twenty five, I thought he came on to the Committee when I first went on as Chair, but it was in 1984, he really has contributed a lot to this state and I am very proud to have known him. I worked with him again as a member of the Transportation Committee the last three years. Lock, I want to wish you the very, very best. My only regret is that other people have not had the chance to work with you and know you as some of us have. Best of luck.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. I need to publicly say thank you to Lock. Lock has made our committee look good. There is not a question that we've asked that he hasn't been patiently, and I say he has to be patient with that committee, answered those questions. If we've had a bill before us that we're discussing in committee and it had any fiscal portion to it all and we're saying, 'I wonder how?', we don't even get the question out of our mouths in comes Lock. He's been listening and he is right there ready to answer our questions right up through this morning. His office has always been open to us so that we can go in and get information. When everyone talks about how the General Fund robbed the Highway Fund, the Highway Fund got money from the General Fund, and we hear it all the time, Lock has gone back and brought us right up to date so we know where we stand, one committee over the

other. I don't know how he finds time to do it. I just don't. With all the hours he puts in with the two committees but he's gone back and go that information. I also want to tell you something that I'm not sure too many people know, too many Senators know, Lock has a talent. Believe me, if you have an opportunity to sit in when Lock and his group do poetry readings with the musical background, it will make tears run down your cheeks. Let me tell you, he's very good. I think this retirement, although I don't think he's going to stop working, will give him more time to perform. I do hope he comes back to Knox County because he has been there a few times. Thank you, Lock, we appreciate you.

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. I remember when Lock was hired by the Legislature many years ago. I was in the other Body. He began his career in the Performance Audit Committee. I think that one of the things is his dry humor that sometimes you have to get from him over an issue or whatever it may be. There is one committee he could write a book about and that is his service to the Inland Fisheries and Wildlife Committee. He really ought to consider doing some of that because that committee has certain things that happen there that happen in no other committee. I think that he has been able to survive through the years in serving everyone all over this place is pretty amazing. I just need to say the two retirements today, and the words being said about both of them, illustrate the capacity and the ability of the staff we have in the Maine Legislature. This certainly speaks well for the Legislature and speaks well for the staff that we have.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. Having worked with both of these gentlemen myself and listening to all the comments this morning, I think that Grant Pennoyer, who is Director of the Office of Fiscal and Program Review, probably needs to start doing what I have to do on my farm. That is making sure he controls a virus that is going through the office here. I don't know how these two gentlemen are going to be replaced, but I think he better get control of that and make sure it doesn't spread anymore because I don't know what we'd have to do next year.

Lock has also worked with us on the Agriculture, Conservation and Forestry Committee. We've always found him to be incredibly thorough and direct, which we appreciate, and fair. We want to wish him all the best.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I think of Lock, I think of a highly competent, understated gentle man. Many of you have had the opportunity to work with him and many of you have not. I would just like to recount for you a somewhat contentious matter that we dealt with as we tried to pull the strings around L.D. 499. That was the thought that we all understood gambling and slot machines and we're individually experts. We had people from Penn National come before us, the Harness Racing Commission,

members of the Legal and Veterans Affairs Committee, the Gaming Control Board, individual legislators and on and on and on. All of us figured we knew what was going on. None of us really understood what we were talking about until someone had the wisdom to suggest why don't we bring Lock before the committee. He had done the staffing when the legislation around slot machines was initially done in the Legislature. In the space of about ten minutes everybody finally got it and the heads nodded and you could see people thinking, 'If I did this, based on what Lock is telling me, that's not going to work and if I do that, that's not going to work,' and so forth and so on. Its just an example, to me, of the great skill this man has of being able to take complex matters, digest them down, and then put them back out to everybody so they can be understood and give us an informed basis on which to make a decision. I want to wish Lock the very best in whatever his new endeavors may be and as the good Senator from Androscoggin, Senator Nutting, has said regarding Grant Pennoyer, we should have a special prayer for Grant because he's got to try to figure out how to replace these two great men. Thank you very much, Madame President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber under the President Lincoln portrait Lockhart Kiermaier. Would he please rise and accept the grateful appreciation of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allocate the Number of Redemption Centers Based on Population"
H.P. 1122 L.D. 1600

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272).**

Signed:

Senator:

COURTNEY of York

Representatives:

BEAULIEU of Auburn

SAMSON of Auburn

AUSTIN of Gray

MacDONALD of Boothbay

PRESCOTT of Topsham

SILSBY of Augusta

RECTOR of Thomaston

BEAUDETTE of Biddeford

CLEARY of Houlton

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

Signed:

Senator:

BROMLEY of Cumberland

Representative:

SMITH of Monmouth

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-272)**.

Reports **READ**.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-357)**.

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

READ ONCE.

Committee Amendment "B" (S-357) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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 (5/1/07) Assigned matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes"

H.P. 335 L.D. 419

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-71)** (7 members)

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

Tabled - May 1, 2007, by Senator **SULLIVAN** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 26, 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-71)**.)

(In Senate, May 1, 2007, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-71) **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.

The Chair laid before the Senate the following Tabled and Later (6/19/07) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on
Resolve, To Study Adoption Laws and Practices (EMERGENCY)
H.P. 307 L.D. 391

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-586)** (8 members)

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

Tabled - June 19, 2007, by Senator **MITCHELL** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, June 18, 2007, 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).**)

(In Senate, June 18, 2007, the Minority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**)

(In House, June 19, 2007, that Body **INSISTED.**)

On motion by Senator **HOBBS** of York, the Senate **ADHERED.**

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.

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

ORDERS

Joint Order

On motion by Senator **MARTIN** of Aroostook, the following Joint
Order:

S.P. 736

ORDERED, the House concurring, that Order, "Joint Order To
Create the Joint Select Committee on Prosperity," H.P. 1018, and
all its accompanying papers, be recalled from the legislative files
to the Senate.

READ.

Pursuant to Joint Rule 404 a Division was had. 29 Members of
the Senate having voted in the affirmative, and 6 Senators having
voted in the negative, and 29 being more than two-thirds of those
present and voting, the Joint Order was **PASSED.**

Ordered sent down forthwith for concurrence.

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

ORDERS

Joint Order

On motion by Senator **MARTIN** of Aroostook, the following Joint
Order:

S.P. 737

ORDERED, the House concurring, that Bill, "An Act To Establish
Municipal Cost Components for Unorganized Territory Services
To Be Rendered in Fiscal Year 2007-08," H.P. 1307, L.D. 1875,
and all its accompanying papers, be recalled from the Governor's
desk to the Senate.

READ.

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

Senator **MARTIN:** Thank you, Madame President. On the basis
of the action that was taken by the Appropriations Committee last
night, there is an error in the bill that will need to be corrected.
The bill needs to come back from the Chief Executive's desk.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#187)

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

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

ABSENT: Senator: PERRY

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, on motion by Senator **MARTIN** of Aroostook, the Joint Order was **PASSED**.

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.

Off Record Remarks

Senator **ROTUNDO** of Androscoggin 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.

ORDERS OF THE DAY

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Review the Procedures by Which a Municipality Assesses Property

H.P. 217 L.D. 261
(C "A" H-75)

Tabled - May 2, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 26, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**, in concurrence.)

(In House, May 1, 2007, **FINALLY PASSED**.)

On motion by Senator **MARTIN** of Aroostook, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Authorizing the Joint Standing Committee on Marine Resources To Report Out Legislation Regarding Groundfishing

S.P. 689

Tabled - May 3, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **DAMON** of Hancock to **PASS**

(In Senate, May 3, 2007, on motion by Senator **DAMON** of Hancock, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

Sent down for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Establish the Maine Civil War Sesquicentennial Commission

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

Tabled - May 8, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 1, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.)

(In House, May 3, 2007, **FINALLY PASSED**.)

On motion by Senator **MARTIN** of Aroostook, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Joint Study Order To Establish the Commission To Study Strategies To Promote Financial Literacy

H.P. 1330

Tabled - May 9, 2007, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in concurrence

(In House, May 8, 2007, **READ AND PASSED**.)

(In Senate, May 9, 2007, **READ**.)

On motion by Senator **MARTIN** of Aroostook, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Joint Study Order To Establish the Committee To Study the Prison Industries Program
H.P. 1334

Tabled - May 15, 2007, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in concurrence

(In House, May 10, 2007 **READ** and **PASSED**.)

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

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-347) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-347), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Direct the Secretary of State To Study Issues Related to Dealer Plates

S.P. 82 L.D. 245
(C "A" S-81)

Tabled - May 16, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate May 9, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81)**.)

(In House May 15, 2007, **FINALLY PASSED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Provide Education Concerning and Insurance Coverage for Lyme Disease

S.P. 544 L.D. 1521
(C "A" S-78)

Tabled - May 16, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate May 8, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-78)**.)

(In House May 15, 2007, **FINALLY PASSED**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-78)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-78).

On further motion by same Senator, Senate Amendment "A" (S-349) to Committee Amendment "A" (S-78) **READ** and **ADOPTED**.

Committee Amendment "A" (S-78) as Amended by Senate Amendment "A" (S-349) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-78) AS AMENDED BY SENATE AMENDMENT "A" (S-349) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine

H.P. 963 L.D. 1371
(C "A" H-201)

Tabled - May 22, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201)**, in concurrence.)

(In House May 17, 2007, **FINALLY PASSED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Promote Alternative Schools within Existing School Systems

H.P. 1224 L.D. 1758
(C "A" H-194)

Tabled - May 22, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**, in concurrence.)

(In House, May 17, 2007, **FINALLY PASSED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Create the Commission To Develop a Strategic Priorities Plan for Maine's Young Children

H.P. 576 L.D. 755
(C "A" H-216)

Tabled - May 23, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 17, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216)**, in concurrence.)

(In House, May 22, 2007, **FINALLY PASSED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

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

H.P. 1285 L.D. 1845
(C "A" H-254)

Tabled - May 30, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**, in concurrence.)

(In House, May 29, 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.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services

H.P. 737 L.D. 977
(C "A" H-249)

Tabled - May 30, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 23, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**, in concurrence.)

(In House, May 29, 2007, **FINALLY PASSED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Joint Study Order Establishing the Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-Wage, Low-Skilled Adults
S.P. 717

Tabled - May 31, 2007, by Senator **MARTIN** of Aroostook

Pending - motion President **EDMONDS** of Cumberland to **PASS**

(In Senate, May 31, 2007, on motion by Senator **MITCHELL** of Kennebec, on behalf of President **EDMONDS** of Cumberland, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - To Review the MaineCare Program
S.P. 720

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

Pending - motion by Senator **BRANNIGAN** of Cumberland to **PASS**

(In Senate, June 5, 2007, on motion by Senator **BRANNIGAN** of Cumberland, **READ**.)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-345) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-345).

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

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

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

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**, in concurrence.)

(In House, June 5, 2007, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Requiring the Joint Standing Committee on Health and Human Services To Review Eligibility for and Transitioning of the Maine Care Program
S.P. 724

Tabled - June 6, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **BRANNIGAN** of Cumberland to **PASS**

(In Senate, June 6, 2007, on motion by Senator **BRANNIGAN** of Cumberland, **READ**.)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-346) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-346).

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Joint Study Order Authorizing the Joint Standing Committee on Natural Resources To Study Solid Waste Management

H.P. 1355

Tabled - June 6, 2007, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in concurrence

(In House, June 6, 2007, **READ** and **PASSED**.)

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

On motion by Senator **MARTIN** of Aroostook, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Directing the Joint Standing Committee on Transportation To Study Appropriate Funding of the State Police
S.P. 725

Tabled - June 7, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **DAMON** of Hancock to **PASS**

(In Senate, June 7, 2007, on motion by Senator **DAMON** of Hancock, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - To Require the Joint Standing Committee on Marine Resources To Report Out a Bill Addressing the Depletion of Finfish Stocks in the Gulf of Maine
S.P. 726

Tabled - June 7, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **DAMON** of Hancock to **PASS**

(In Senate, June 7, 2007, on motion by Senator **DAMON** of Hancock, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes

H.P. 1353 L.D. 1919

Tabled - June 12, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2007, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 11, 2007, **FINALLY PASSED**.)

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

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

Senator **MARTIN:** Thank you, Madame President. After review of the proposal, we assumed that the committee could deal with it through one of the regular meetings during the course of the year and that they would have the time to do this particular study.

On motion by Senator **MARTIN** of Aroostook, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Directing the Joint Standing Committee on Transportation To Study Certain Transportation-related Matters
S.P. 731

Tabled - June 13, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **DAMON** of Hancock to **PASS**

(In Senate, June 13, 2007, on motion by Senator **DAMON** of Hancock, **READ** and **PASSED**. On motion by Senator **MARTIN** of Aroostook, **RECONSIDERED**.)

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program
H.P. 187 L.D. 216
(C "A" H-554)

Tabled - June 15, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554)**, in concurrence.)

(In House, June 15, 2007, **FINALLY PASSED**.)

On motion by Senator **MARTIN** of Aroostook, 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-554)**, 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-554), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-348) to Committee Amendment "A" (H-554) **READ** and **ADOPTED**.

Committee Amendment "A" (H-554) as Amended by Senate Amendment "A" (S-348) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554) AS AMENDED BY SENATE AMENDMENT "A" (S-348) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine
H.P. 881 L.D. 1239
(H "B" H-566 to C "A" H-365)

Tabled - June 19, 2007, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) AS AMENDED BY HOUSE AMENDMENT "B" (H-566)** thereto, in concurrence.)

(In House, June 18, 2007, **FINALLY PASSED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency

An Act To Protect Consumers from Rising Health Care Costs
S.P. 664 L.D. 1849
(C "A" S-237)

Tabled - June 19, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237)**.)

(In House, June 19, 2007, **PASSED TO BE ENACTED**.)

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

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

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

SENATE PAPERS

Bill "An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process"
S.P. 738 L.D. 1931

Sponsored by Senator **MARTIN** of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **LABOR** and ordered printed.

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.

Off Record Remarks

Senator **WESTON** of Waldo 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.

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until 3:30 in the afternoon.

After Recess

Senate called to order by the President.

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 Adult Adoptees Access to Their Original Birth Certificates

H.P. 802 L.D. 1084
(C "A" H-601)

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

An Act To Clarify That Certain Separately Itemized Charges Are Subject to the Sales Tax on the Rental of Motor Vehicles
H.P. 1154 L.D. 1645
(H "A" H-606 to C "A" H-510)

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

Senator **PERRY**: Thank you, Madame President. I have a short statement I'd like to read into the record in reference to that bill. I just want to clarify, for the record on behalf of the rental car companies operating here in Maine, that House Amendment H-606 states that all fees must be disclosed when an estimated quote is provided to a lessee. This disclosure refers only to those fees that are unavoidable by the consumer and does not include optional or ancillary products that are offered to the consumer such as added services such as child safety seats, ski racks, GPS, tote packages and alike. That is simply what I'd like to have on the record to reflect our intent.

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

An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

H.P. 1361 L.D. 1923
(H "A" H-607)

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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Impose Reasonable Limits on the Growth of State Government"
H.P. 1140 L.D. 1632

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
CLARK of Millinocket
WOODBURY of Yarmouth
HOTHAM of Dixfield
WATSON of Bath
PILON of Saco

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-613)**.

Signed:

Senator:

NASS of York

Representatives:

KNIGHT of Livermore Falls
CHASE of Wells
LANSLEY of Sabattus

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

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the
Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **NASS:** Thank you, Madame President, ladies and
gentlemen of the Senate. This is a proposal to, as the title
indicates, set reasonable limits on the growth of State
Government. Last fall we had grand debate about limiting the
growth of government. This is an extension that came out of that
debate. It has to do with our contributions, State Government.
One of the criticisms of the last effort was that it fell heavily on
schools, municipalities, and perhaps counties, but did nothing for
the State. The answer during the debate, of course, is that we
already had limits, caps on State spending. Some people felt like
they weren't very effective or meaningful. They could be not
withstood in the process that we have up here. Simply put,
Madame President, this extends the requirements, or limits, on
the annual growth of expenditures of the General Fund, the
Highway Fund, quasi-governmental organizations which means
the university, I suppose it means the Turnpike Authority, and
other special revenue funds. These limits are related to growth of
population and inflation, two standard indexes that are used to
measure growth and try to separate growth from reasonable
growth. As you can see, a minority of the Committee, basically, is
in favor of at least having this debate and giving us a chance to
vote on this. Madame President, I would request a roll call vote it
would urge all of us to vote against the Majority Ought Not to
Pass. 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 Chair recognizes the Senator from
Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President, ladies and
gentlemen of the Senate. Perhaps a little earlier on in the session
I would have had the strength for a vigorous debate on this but
not today. These provisions are all things we need to consider. I
don't think this is the vehicle to be doing it here in isolation. I
would request that folks support the Ought Not to Pass motion
and keep this work moving.

THE PRESIDENT: The pending question before the Senate is
the motion by the Senator from Penobscot, Senator Perry, 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 (#188)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN,
BROMLEY, BRYANT, DAMON, DIAMOND,
HOBBINS, 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 **PERRY** of
Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS**
Report, in concurrence, **PREVAILED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To
Repeal the Maine Use Tax"

H.P. 695 L.D. 920

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-297).

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
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

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

Signed:

Senator:
STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth
WATSON of Bath

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

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. Again, in an effort to follow through on our desire, or at least my desire, to reduce the size of State Government, this is a proposal to repeal the Maine use tax. The use tax is the substitute tax to the sales tax. It's a lot more complicated than that to the extent that you bought something in another state, another jurisdiction, and you brought it back into Maine, our laws require that you pay the sales tax, or in fact the use tax which is the equivalent of the sales tax, on that purchase. It also involves catalogue sales and internet sales to the extent that our laws cover that. It's more complex than that. It gets into several exemptions, depending on the kind of business that you have, but, by and large, this proposal repeals that effort. As you can see, the Committee report on this is somewhat different than the last one. Basically it's a bi-partisan report, Ought to Pass report. I suspect that there are some other people, knowing full well what the fiscal note on this is, that decided to support this effort despite that. Madame President, I would again urge my colleagues to vote against the Ought Not to Pass.

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

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

Senator **PERRY:** Thank you, Madame President. This is one of the bills that distress me a little bit down in the Taxation Committee. It distresses me for process reasons. The public hearing on this bill was less than one minute, in my recollection. The sponsor didn't show up, one of the Committee members put it in for him. No one came and supported it. It has a \$200 plus million dollar fiscal note. It's a great thing to debate. I don't know how they handled it in the other Body, but a lot of powerful comments can be made on the record about our tax situation in Maine. This does nothing to move it forward. As we've all witnessed over the last six months, tax reform is a very difficult business. I think this takes our focus off a real meaningful solution. I don't remember this report and why it looks this way. I'm a little surprised. I don't know what we were thinking when we voted, but I know what I'm thinking now, and I hope you will all support me in Ought Not to Pass.

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

Senator **COURTNEY:** Thank you, Madame President. I think the Chairman answered my question.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#189)

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 **PERRY** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence, **PREVAILED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent 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)

In Senate, June 18, 2007, on motion by Senator **STRIMLING** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-281)**, in **NON-CONCURRENCE**.

Senator **PERRY** of Penobscot moved the Senate **ADHERE**.

Senator **NASS** of York moved the Senate **RECEDE** and **CONCUR**.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. As amended by the Committee, this has a familiar theme for those of us who have worked on tax reform for a number of months now. There is a piece that we agreed on that's come forward and seems to keep being discussed here. That's the nature of the amended version of this that's now in front of us, I believe. That would be to transfer to a fund that we created when we went through the L.D. 1 process called the Tax Relief Fund for Maine Residents. It actually has a name. There's no money in it. As it turns out we haven't quite got to the point where it was envisioned in the L.D. 1. process, where money has flowed into it. The concept is the same. This bill says beginning the next biennium, 2009 and 2010, 15% of the growth of the income tax revenue over the previous year would be submitted, or would flow, into this fund. It accomplishes another process. Having been on the Taxation Committee for a couple times you lack the tools to affect any change, whether its tax relief or corrections in the tax problem. They all end up on the table and compete with all the other priorities, which may be good or not depending on your philosophy, I suppose. This would make this fund, to the extent that in the future revenues are put in this fund, available to the Taxation Committee. The Committee would be authorized to submit legislation to provide income tax relief using the money available in this fund, should that ever happen.

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

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. For the last couple of days we have attempted to work together, at least some of us, to put a tax package together. This afternoon we are now talking and voting on bills that cut revenue, which eliminates taxes. I see no future for a tax package to be put together as long as the votes are the way they are. This puts an end, in my opinion, to any possibility for tax reform or any discussion on that matter in this session.

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

Senator **COURTNEY:** Thank Madame President, men and women of the Senate. This has a strong bi-partisan support. This may be the only chance you get to vote for tax reform this session and I encourage you to do so. What this does, even though this doesn't do what it was originally intended, is take a small portion of the future revenues, it sends it back to the people, and it offers them the opportunity to have that to reduce the income tax with part of it going to the income tax to reduce it, part of it to increases the earned income tax credit. Now it goes nowhere near what we wanted it to do when we first submitted this. It's a great opportunity to do tax reform without having to explain to the people of Maine back home why you have to raise all these taxes to give them some of their money back. If you

look back over the last three years, there is approximately \$180 million over collected. Had we done that we wouldn't be having this tax reform debate. We could already be reducing their taxes. I would encourage you to support this very strong bi-partisan report. This is a great opportunity for tax reform. It's a great opportunity to send a message back to the people at home that we can do tax reform. I'd encourage you all to support it.

At the request of Senator **COURTNEY** of York, Reports **READ**.

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 York, Senator Nass to Recede and Concur. 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 (#190)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **NASS** of York to **RECEDE** and **CONCUR**, **PREVAILED**.

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

COMMUNICATIONS

The Following Communication: H.C. 351

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

June 20, 2007

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

Dear Secretary O'Brien:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Taxation on Bill "An Act To Support County Government" (H.P. 894) (L.D. 1266)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

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:

Resolve

Resolve, Establishing an Apportionment Commission To Increase the Number of Androscoggin County Commissioners

H.P. 1349 L.D. 1916
(H "A" H-608 to C "A" H-507)

FINALLY PASSED 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:

PAPERS FROM THE HOUSE

Non-Concurrent 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
(S "A" S-311 to C "A" S-259)

In Senate, June 18, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259) AS AMENDED BY SENATE AMENDMENT "A" (S-311)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259)**, in **NON-CONCURRENCE**.

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

Senator **MILLS** of Somerset moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#191)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **RECEDE** and **CONCUR**, **PREVAILED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Essential Programs and Services Funding Formula"

H.P. 759 L.D. 1041

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Signed:

Senators:
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennyville
MUSE of Fryeburg

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

Signed:

Senator:

BOWMAN of York

Representatives:

FARRINGTON of Gorham

HARLOW of Portland

STRANG BURGESS of Cumberland

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

ORDERS

Joint Order

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

S.P. 739

ORDERED, the House concurring, that Bill, "An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others," H.P. 1336, L.D. 1902, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Just as a brief explanation, this bill was passed, L.D. 1902. It deals with mentally ill people and their ability to purchase handguns. Come to find out there is legislation almost passed through Congress. If that is finally enacted, and we're told that it is, and after consulting with the Commissioner of Public Safety, we thought it best if we bring this back from the Governor's Desk, hold it over, and deal with this after legislation at the federal level is passed. Otherwise, we could risk losing

grant money, not only at the state level but at the local and county level as well. Thank you.

On motion by Senator **DIAMOND** of Cumberland, the Joint Order was **PASSED**.

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 Regarding the Mandatory Administration of Medication in Hospitals Serving Psychiatric Patients"
S.P. 350 L.D. 1033
(C "A" S-332)

In Senate, June 18, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332) AS AMENDED BY HOUSE AMENDMENT "A" (H-620)** thereto, in **NON-CONCURRENCE**.

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

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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders"
H.P. 1003 L.D. 1429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-605)**.

Signed:

Senator:

BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Farmingdale
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin

Representative:

McKANE of Newcastle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "B" (H-622)** thereto.

Reports **READ**.

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

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce Maine's Income Tax Rates by 50 Percent" S.P. 181 L.D. 569

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-298)** (4 members)

Tabled - June 14, 2007, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **PERRY:** Thank you, Madame President. We've been struggling for six months to do tax reform and come up with the way to pay for tax reduction in the neighborhood of \$220 million. This bill has a fiscal note of nearly \$1.5 billion without a lot of alternatives on what we'll do as far cuts or raising revenue. That's why I made this motion Ought Not To Pass and hope you'll join me.

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

The Chair laid before the Senate the following Tabled and Later (6/19/07) 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 19, 2007, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **MITCHELL** of Kennebec to **ADHERE** (Roll Call Ordered)

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

(In Senate, June 18, 2007, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, June 18, 2007, that Body **ADHERED**.)

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. I believe the motion is to Adhere. This is a component of tax reform, something we talked about. It basically allows for the communities that collect sales tax revenue, which we currently keep track of, to share in 10% of the growth going forward. That doesn't mean every year in every community, that means whatever occurs they get to keep 10% of it, and 90% goes to the State. That's the part I want to mention. Thank you, Madam President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to Adhere. 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 (#192)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MILLS, MITCHELL, NASS, NUTTING, RAYE, ROTUNDO, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BRYANT, COURTNEY, DIAMOND, HOBBS, MCCORMICK, PERRY, PLOWMAN, ROSEN, SCHNEIDER, STRIMLING, TURNER

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator MITCHELL of Kennebec to **ADHERE, PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (6/19/07) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Amend the Nonresident Income Tax Filing Requirements"

H.P. 490 L.D. 641

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-602)** (12 members)

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

Tabled - June 19, 2007, by Senator **NASS** of York

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

(In House, June 18, 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-602)**.)

(In Senate, June 19, 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. This bill attempted to correct a mistake I believe we made a number of years ago. Others might not agree that it's a mistake. One of those last minute things we did a few sessions ago to fill the budget hole was to begin to put additional restrictions on non-residents who visit the state for generally perceived to be business purposes. These are people that come here for training, let's stay with training, it's an easy one to understand. Our requirements prior to that change several session ago that if you were here for up to 20 days you did not incur income tax liability. That seemed to suit everyone's needs

at that point. Don't forget, Maine is a very popular place to provide training. If your headquarters are in New England, it's a good thing to bring employees here, send them off to one of our hotels on the coast, and train them to do whatever you want or reward them. Training and rewarding. The initial proposal to fill the budget hole was to take that 20 days down to zero and say that everybody that came here for those kinds of purposes had a tax liability immediately. In the ensuing negotiations that was increased that to 10. This proposal initially brought it back up to 45 days and set some criteria and specifies specifically what people could do to escape that liability, what was accepted. The amended version now takes it back to 24 days with the same specifications.

The only reason I'm talking about this is to point out what happened to this bill. I think it was generally agreed on, with the exception of one member we had a unanimous report. This is something that needed to be fixed. Unfortunately, we were pushing bills through that committee in the end very quickly. We were passing them without a fiscal note. When the fiscal note on this showed up, I was just outraged. The Department had added two positions to accomplish this, two positions. I recall that when we took the money out of this, they didn't offer any positions. There was no reduction in workforce when we took the money. So going backwards, even partly backwards, they wanted to add two positions up. The fiscal note is roundly criticized around here, at least everybody knows it and it is really abused. This is abuse, in my opinion. That's my only purpose in bringing this to your attention. We could not pay for this. This is something we need to do. It's going languish and die at this point. The misuse of the fiscal process by Maine Revenue Service, I think, is just outrageous. Thank you, Madame President.

On motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, 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:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allocate the Number of Redemption Centers Based on Population"

H.P. 1122 L.D. 1600

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-272)** (10 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - June 20, 2007, by Senator **SCHNEIDER** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 19, 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-272).**)

(In Senate, June 20, 2007, Reports **READ.**)

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

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

On further motion by same Senator, House Amendment "A" (H-22) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "C" (S-19).

On further motion by same Senator, Senate Amendment "A" (S-358) to Senate Amendment "C" (S-19) **READ** and **ADOPTED**.

Senate Amendment "C" (S-19) as Amended by Senate Amendment "A" (S-358) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-19) AS AMENDED BY SENATE AMENDMENT "A" (S-258) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

RECALLED FROM LEGISLATIVE FILES

Bill "Joint Order To Create the Joint Select Committee on Prosperity"

H.P. 1018
(H "A" H-22; S "C" S-19)

(In Senate, May 10, 2007, **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22) AND SENATE AMENDMENT "C" (S-19).**)

(In House, May 15, 2007, **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22) AND SENATE AMENDMENT "C" (S-19)**, in concurrence.)

(**RECALLED** from the Legislative Files pursuant to Joint Order (S.P. 736), in concurrence.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22) AND SENATE AMENDMENT "C" (S-19)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-22), in concurrence.

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

RECALLED FROM GOVERNOR'S DESK

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

(In Senate, June 15, 2007, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 737), in concurrence.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

Same Senator moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#193)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**, in concurrence, **PREVAILED**.

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-382), in concurrence.

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

ORDERS OF THE DAY

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Joint Study Order To Establish the Commission To Study Primary Care Physicians and Primary Care Medical Practice

S.P. 732

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

Pending - motion by Senator **MARRACHÉ** of Kennebec to **PASS**

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

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

Sent down for concurrence.

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

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

Tabled - May 8, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence
(In Senate, May 1, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**, in concurrence.)

(In House, May 3, 2007, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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-84)**, 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-84), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-350) to Committee Amendment "A" (H-84) **READ** and **ADOPTED**.

Committee Amendment "A" (H-84) as Amended by Senate Amendment "A" (S-350) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84) AS AMENDED BY SENATE AMENDMENT "A" (S-350) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Reauthorize the Community Preservation Advisory Committee

S.P. 108 L.D. 336
(C "A" S-22)

Tabled - April 10, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 2, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22)**.)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-22).

On further motion by same Senator, Senate Amendment "A" (S-351) to Committee Amendment "A" (S-22) **READ** and **ADOPTED.**

Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-351) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22) AS AMENDED BY SENATE AMENDMENT "A" (S-351) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs

S.P. 213 L.D. 676
(C "A" S-106)

Tabled - May 23, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106).**)

(In House, May 22, 2007, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-106).

On further motion by same Senator, Senate Amendment "A" (S-352) to Committee Amendment "A" (S-106) **READ** and **ADOPTED.**

Committee Amendment "A" (S-106) as Amended by Senate Amendment "A" (S-352) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106) AS AMENDED BY SENATE AMENDMENT "A" (S-352) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax

H.P. 712 L.D. 937
(C "A" H-283)

Tabled - May 30, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**, in concurrence.)

(In House, May 29, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-283)**, 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-283), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-283) **READ** and **ADOPTED.**

Committee Amendment "A" (H-283) as Amended by Senate Amendment "A" (S-353) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283) AS AMENDED BY SENATE AMENDMENT "A" (S-353) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Amend Certain Provisions of Fish and Wildlife Law
S.P. 356 L.D. 1104
(C "A" S-234)

Tabled - June 13, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 11, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234).**)

(In House, June 12, 2007, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-234).

On further motion by same Senator, Senate Amendment "A" (S-356) to Committee Amendment "A" (S-234) **READ** and **ADOPTED.**

Committee Amendment "A" (S-234) as Amended by Senate Amendment "A" (S-356) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234) AS AMENDED BY SENATE AMENDMENT "A" (S-356) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

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

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

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" (S-180) AS AMENDED BY SENATE AMENDMENT "A" (S-230) AND HOUSE AMENDMENT "A" (H-544) thereto, in concurrence.**)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY SENATE AMENDMENT "A" (S-230) AND HOUSE AMENDMENT "A" (H-544) thereto.**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-180) as Amended by Senate Amendment "A" (S-230) and House Amendment "A" (H-544) thereto.

On further motion by same Senator, Senate Amendment "B" (S-354) to Committee Amendment "A" (S-180) **READ.**

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

Senator **DIAMOND:** Thank you, Madame President. May I pose a question? I'd be interested in knowing what this amendment is doing to the bill since we've taken off the other two amendments.

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

Senator **ROTUNDO:** Thank you, Madame President. This amendment provides for the transfer of funds from the Fund for a Healthy Maine to the General Fund to offset the revenue loss to the General Fund from the prohibition on the sale of certain flavored cigarettes and cigars.

THE PRESIDENT: The Chair would make note to the good Senator from Cumberland, Senator Diamond, that we have not removed those amendments.

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "B" (S-354) to Committee Amendment "A" (S-180) **ADOPTED.**

Committee Amendment "A" (S-180) as Amended by Senate Amendments "A" (S-230); "B" (S-354) and House Amendment "A" (H-544) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY SENATE AMENDMENTS "A" (S-230); "B" (S-354) AND HOUSE AMENDMENT "A" (H-544) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Resolve

Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12

H.P. 1089 L.D. 1564
(C "A" H-402)

Tabled - June 12, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**, in concurrence.)

(In House, June 11, 2007, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**, 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-402), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-355) to Committee Amendment "A" (H-402) **READ** and **ADOPTED**.

Committee Amendment "A" (H-402) as Amended by Senate Amendment "A" (S-355) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402) AS AMENDED BY SENATE AMENDMENT "A" (S-355) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 7:30 in the evening.

After Recess

Senate called to order by the President.

ENACTORS

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

Act

An Act To Amend Maine's Bottle Laws

S.P. 603 L.D. 1696
(C "B" S-326)

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

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

Same Senator requested a Division.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I would ask you to vote one way or the other on this bill. It's the bill that we voted on yesterday. Right now, when you go to redeem your bottles, you are paid back for your 5¢ deposit. When the bottlers pick up those bottles from the

redemption center they pay 3.5¢ in addition to the 5¢ that the consumer has already paid. We are asking for a half penny that makes it 4¢ that the bottlers would be paid and the consumers continue to pay 5¢ in a deposit. Isn't it amazing that in this little tiny business we had, at my count, at least eight professional lobbyists up here for a half penny per unit. Who's lobbying for you and the 5¢ that you're paying? Who was lobbying for your constituents? Who was lobbying for your non-profits that have bottle drives? Let me think. We were sent here to do the people's business.

I have had something passed out to you, I believe it is probably the first time I've personally passed something out not on behalf of someone. There was an editorial that ended up in my Biddeford Daily Journal Tribute. It came out by a paid lobbyist. Some of the quotes on the front page of this says, 'It is in these areas,' they were talking about York County, 'where fraud in Maine's bottle law takes place, people bring massive amounts of containers from New Hampshire and Massachusetts into Maine, redeeming most of these items illegally in York County.' It also goes on to say, 'We work cooperatively with redemption centers to fulfill our obligation under Maine's bottle bill.' On the back there are at least eight corrections in that letter from a lobbyist who is paid to tell the truth. The same lobbyist, men and women of the Senate, that we rely on for information. Maybe not always the information we want to hear, but the information must be truthful. Just in less than 15 minutes from reading that, we were able to come up with eight different things that aren't truthful. On top of that, if you will read the backside, the second page of my handout, there is a letter to a Mr. Rick Coles, redemption manager, who happens to be for Pepsi in Massachusetts. This is what they're saying. Now remember, your Maine citizens pay 5¢ more than your redemption centers. I'm going to ready two short areas. First of all, 'Pepsi's continued failure to provide an adequate number of pick-ups at this licensed redemption center,' which happens to be in my district and who happens to have their business up for sale, 'remains an issue that needs to be resolved. In this regard, I am placing an administrative hold on your license, scheduled to expire on December 31 of this year, until such time Pepsi demonstrates that it intends to comply with the requirements of the beverage container law.' It goes on to say, 'Please be advised that continued non-compliance with the legal requirements of the State of Maine beverage container law will constitute good cause under Chapter' and it goes on to say, 'to non-renew Pepsi's license.' Those are the people who are in the hallways now, spending money to deny a half a penny.

Now some will tell, and I believe probably truthfully, that the container law, the beverage law, was never designed to be a business to support people. We have new technology now. You know those machines that are so helpful at Shaw's and Shop 'n Save. You feed them in and they spit something out because they can't read it, the bag gets full, or something happens. That's the technology. These redemption centers supply jobs to the people in your community. They provide a way for those bottle drives to work. We have people here, we have companies here, the soft drink companies. I suggest we look at who wrote the editorial and for whom he works. We have those people standing here saying, 'Let's make sure we have a Maine bottle bill that helps with recycling, that helps us with our roadside litter, that provides something, but let's find somebody who'll do it with no way to get a raise.' That's a heck of a deal. I'm going to sign right up. It pays even worse than teaching, it pays worse than being a

legislator, and there's no way to get a raise. No way to get a raise and they can't get a half a penny a unit. That's less than your consumers pay. How do you justify it, people? A half penny. I'm asking you to go and vote this amendment down. I'm asking you to go forward and support the half penny for the citizens of Maine, not for bottlers outside the state. It's pretty simple. We're here to do the business of Maine and its citizens. Are you here to support at least eight high paid lobbyists? I suppose I should be honored that it takes eight people to replace me. Thank you very much.

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. The good Senator from York is right. Some of the redemption centers are struggling and there is a need for a remedy in the system. However, this is not the remedy. One quick fact: in Maine there are 811 licensed redemption centers. In Vermont I believe there are 80 and I think in New Hampshire there are 100. Part of the problem is the number of redemption centers. There aren't enough containers to go around. There is a problem with the business model. There's a problem with the structure of the bill itself. I would agree with the Senator from York that needs to be a remedy and again I repeat that this is not it. I think the committee needs to do some additional work. I think there needs to be a thoughtful approach. One thing we do know is that whenever we increase the handling fee the number of redemption centers also increases and that really doesn't get to the heart of the problem. I hope you will join me in supporting the pending motion, which is Indefinite Postponement of this bill. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. Earlier today we passed L.D. 1600. That was a bill that I am not going to oppose, although it does nothing that we can't already do with the Department of Agriculture, who oversees this program. It would be the redemption by population and community. That's already there. We have already dealt with that one problem. It takes away more choice for people to go to. I'm willing to support that. I might say that 800 is not quite right. I know of 194 redemption centers that have closed in the last two to three months. We can start with my local area. Saco will lose theirs in about a week. The one I'm speaking of, who has been harassed, is for sale. One in Lyman closed. Another one in Sanford is hanging on by a shoestring. How long do the people have to carry the Maine bottle bill? It was something that was created by the people of Maine. They voted through referendum and this was how it's set up. How long are you going to punish the people who are doing the job that the people of Maine asked them to do, which was to create a bottle bill and do recycling? That was the vote of the people of Maine. If we need to make changes, we need to start not at the people who are already working without a raise. Every time the price of gas goes up, every time that we pass a minimum wage increase, every

time that we have an increase in taxes, property taxes, these places pay that, they have to add to it. Those are the little people.

Let me just add one other quick thing. My redemption center, and it's sort of become personal in case you hadn't guessed, is the contract agent for 24 Mom and Pop stores, the stores that, by law, have to be involved in the bottle bill. If they make contact with the redemption center, they do not have to take those bottles back. This is important to those Mom and Pop stores, because they're usually small stores and it's a messy job. I don't think many of you would want to do the redemption business. Bottle don't come back clean. They don't come back in clean sterile bags. Those little Mom and Pop stores have contracted out with the redemption centers. In my case, 24 of them with my redemption center and they agree to take back all their bottles. When they buy beer they can say, 'We don't take these bottles back, you will need to return them to, and they give out the name of the redemption center.' We need to defeat this motion and we need to go on and give a message that, yes, Maine will correct the bottle bill and we will do it the right way. We won't do it on the backs of people who are making it work right now. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bromley to Indefinitely Postpone the Bill and accompanying papers. 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 (#194)

YEAS: Senators: BENOIT, BRANNIGAN, BROMLEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MILLS, NASS, PERRY, RAYE, ROTUNDO, SAVAGE, SMITH, SNOWE-MELLO, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BOWMAN, BRYANT, COURTNEY, DAMON, HOBBS, MARTIN, MCCORMICK, MITCHELL, NUTTING, PLOWMAN, ROSEN, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allocate the Number of Redemption Centers Based on Population"

H.P. 1122 L.D. 1600

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-272)** (10 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - June 20, 2007, by Senator **BROMLEY** of Cumberland

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

(In House, June 19, 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-272).**)

(In Senate, June 20, 2007, Reports **READ.**)

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

Senator **SULLIVAN:** Thank you, Madame President. I would ask that the Senate vote against this.

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

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

Senator **COURTNEY:** Thank you, Madame President. May I pose a question through Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. I'm just trying to understand the last comment, because it would seem that good Senator from York was a tremendous advocate for the redemption centers and it would seem that this would perhaps help the redemption centers by limiting the total number. I'm trying to reconcile that and I wondered if someone might be able to answer that for me.

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

Senator **SULLIVAN:** Thank you, Madame President. I'd be happy to answer that. I did that because the very least we can do, seeing that we weren't willing to go along and support the citizens of Maine, and not continue to punish the redemption centers. This is a problem, as the good Senator from Cumberland, Senator Bromley, wanted to let us know. This is a problem and we need to start all over again. Then why did we choose to start at the cost of the redemption center? We didn't

choose to start at the cost of perhaps the out-of-state companies that are making money and keep that money on bottles that aren't returned. I would ask you to please at least send the message that it is truly a broken system. I wouldn't disagree with that and I would ask you to send the message that this is not the way to fix it either.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Thank you for the explanation. If you recall, on the last vote I was very supportive of my fellow Senator from York. I think this does have a value. I would have done more for the redemption centers, and tried to. Having done that, I'm not going to advocate my commitment to them. I feel that maybe this will save just one. I think this is a good step in the right direction and I would hope that, in spite of the emotion of the previous debate, we could continue to look into trying to solve this problem, even if it's partially, and support this bill. I request all of your support. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I know this has been a very passionate issue for my colleague from York, Senator Sullivan, but I, too, share the sentiment that this will actually help the redemption centers and it will grandfather all of those that are currently in existence. I don't want to punish those redemption centers that are here. I want to try to help them and I think this is a mechanism to do that. I am going to support the Majority Ought to Pass as Amended Report and I hope you'll follow that. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bromley 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 (#195)

YEAS: Senators: BENOIT, BRANNIGAN, BROMLEY, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MCCORMICK, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BOWMAN, BRYANT, DAMON, HOBBS, MARTIN, MILLS, MITCHELL, NASS, NUTTING, PERRY, STRIMLING, SULLIVAN

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

READ ONCE.

Committee Amendment "A" (H-272) **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.

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 Permit Public Schools in the Lower Kennebec River Area To Regionalize To Achieve Efficiency and Improve Quality
H.P. 685 L.D. 910
(C "B" H-589)

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

An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites

H.P. 1368 L.D. 1929

On motion by Senator **MARTIN** of Aroostook, 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:

Act

An Act To Restrict the Use of Credit Scoring for Insurance Purposes

H.P. 335 L.D. 419
(C "A" H-71)

On motion by Senator **SULLIVAN** of York, 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 (#196)

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

NAYS: Senators: BENOIT, DOW, GOOLEY, MCCORMICK, MILLS, NASS, PLOWMAN, ROSEN, SAVAGE, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENACTED** and signed by the President.

(See action later today.)

Resolve

Resolve, To Streamline the Regulation of Agricultural Composters
S.P. 176 L.D. 564
(C "B" S-357)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Emergency

An Act To Continue the Axle Weight Law Changes beyond September 15, 2007

H.P. 10 L.D. 9
(C "A" H-48)

Tabled - April 25, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**, in concurrence.)

(In House, April 24, 2007, **PASSED TO BE ENACTED**.)

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

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

An Act To Support Maine's Free Clinics
S.P. 55 L.D. 144
(C "A" S-36)

Tabled - May 3, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 24, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-36)**.)

(In House, May 2, 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.

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

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

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-522)**, in concurrence.)

(In House, June 14, 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.

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

An Act To Amend the Lodging Place Licensing Requirements to Support Small Businesses

H.P. 702 L.D. 927
(S "A" S-172 to C "A" H-277)

Tabled - June 5, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) AS AMENDED BY SENATE AMENDMENT "A" (S-172)** thereto.)

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

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

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

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

Tabled - June 12, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182).**)

(In House, June 11, 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.

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

Resolve

Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Health and Human Services for Promoting Permanency and Safety for Children

S.P. 484 L.D. 1396
(C "A" S-119)

Tabled - June 1, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 23, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119).**)

(In House, May 31, 2007, **FINALLY PASSED.**)

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

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

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

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

Tabled - June 5, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 30, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-149).**)

(In House, June 4, 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.

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

An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers

H.P. 1364 L.D. 1926

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 18, 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.

Senator **MARTIN** of Aroostook moved the Senate remove from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Allow a Tax Credit for College Loan Repayments
I.B. 2 L.D. 1856
(C "A" H-414)

Tabled - June 19, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 18, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414)**, in concurrence.)

(In House, June 19, 2007, **PASSED TO BE ENACTED**.)

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

On motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers removed from the **SPECIAL APPROPRIATIONS TABLE**.

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

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

Senator **COURTNEY:** Thank you, Madame President. Maybe I'm the only one that's trying to catch up, but I'm wondering if somebody could explain the bill to us again and refresh us.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. This is the initiated referendum. I think it's been referred to as Opportunity Maine. They collected 73,000 signatures, as I recall. The question before us is to enact exactly or to send it out to referendum. It is my understanding that this enactment would enact it exactly as they committed it to us and would thus make it effective. The only other bit of information is that, as I recall, the fiscal note is very minor at this point, but very major in a few years. It rises to more than \$10 million pretty quickly. I would call this a significant factor in this thing we call the structural gap. Thank you.

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 (#197)

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

NAYS: Senators: GOOLEY, MILLS, NASS, ROSEN, SAVAGE, SHERMAN, SMITH, TURNER

27 Senators having voted in the affirmative and 8 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.

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

An Act To Enable the Dirigo Health Program To Be Self-administered

H.P. 347 L.D. 431
(C "A" H-285; S "D" S-309)

Tabled - June 19, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285) AND SENATE AMENDMENT "D" (S-309)**.)

(In House, June 18, 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.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Essential Programs and Services Funding Formula"

H.P. 759 L.D. 1041

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-403)** (9 members)

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

Tabled - June 20, 2007, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 20, 2007, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

(In Senate, June 20, 2007, Reports **READ**.)

Senator **BOWMAN** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Same Senator moved the Bill and accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

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

Senator **MILLS:** Thank you, Madame President. To recommit this matter to the committee means, possibly, that it would be carried over and we would not be dealing with this important issue until next year, which is the year in which we would be required to make adjustments for the fiscal year 2009. The issue that's addressed by this bill is so important. It's an issue that really has to be addressed well in advance of the commencement of the next fiscal year because the intent of the bill is to reduce the funding of special education to the towns that are most capable of paying their own bill. The 80 or 90 school units that are the so-called minimum receivers. Those are the towns who have more money than is needed in tax revenues to meet all their educational commitment, but these are towns to whom we allocate at least 5% of their costs in order to keep them in a participating role under the General Purpose Aid. In addition to that, two years ago, as part of L.D. 1 and in response to the MMA citizen referendum, we set up a pathway of trying to fund 100% of all the special ed in this state at the State level, including the special ed needs of these 80 or so minimum receiving school units. It was the majority sense of our committee that this percentage should be reduced. It's now 84%. It should be reduced to 50%, not for the coming year but the year that ensues, fiscal year 2009. We thought that was good policy. It's good policy for a variety of reasons. One of the major purposes of the General Purpose Aid formula is to produce a sense of equity statewide and to help those towns that don't have sufficient property tax capacity to meet the basic needs of educating their children. This payment of 100% of the special ed costs to the 80 or so minimum receivers costs us about \$17 million out of the formula. That money is paid for by raising the mil rate

expectations of every other school unit in the system. It is regressive to equity.

We already have a number of elements in funding of the K-12 system that tend to run counter to equity. One example should be well known to all of us and that is the State itself funds all of the pension and 45% of the healthcare costs of retired teachers. We do that for the highest paid teachers in the wealthiest school districts in the state, as we do for the poorer ones. What we do there is supplement the education costs of the richest districts in the State, and frankly, at the expense of many who are poor.

We have a number of elements in our school funding system that run counter to common sense and equity, but this very recent notion that we should be paying 100% of the special ed costs for the highest tax capacity school units in the state is, frankly, ridiculous. It came about for purely political reasons back when the MMA was formulating their referendum. They thought to themselves, 'How can we get votes from the wealthy school units and towns that do not participate in the school funding?' They scratched their heads. They did a little polling and said, 'Special ed has practically become a swear word because of its costs at the local level. If we promise these rich districts or if we put into the referendum this notion that we should be paying 100% of special ed costs it will garner public votes in support of the MMA referendum.' That's the reason it got into referendum. It was pure politics. It was raw politics. It was very bad policy, and because it got through and because that referendum passed in June 2004, it crept into L.D. 1. It never should have been there.

Cutting it back to half or some such level is good policy. If we don't do it now, I tell you that in an election year you will never do it, so the recommitment of this bill to the Education Committee spells its death. For that reason I ask you to vote 'red' or 'no' on the pending motion. Thank you for your patience.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to compliment the majority signers of the Education Committee on this particular L.D. I know it started out as a concept draft but I think the committee has done a wonderful job on this very, very critical issue. There are about 90 plus school units in Maine that do their whole school budget on a mil rate of five or less, the so-called minimum receivers. In the last three years, every year, they've gotten very large school funding increases because of this special ed being increased for everyone. The school funding formula for the property poor areas, and that is many cities and just about all of rural Maine, that formula is then moved to an EPS formula that has already radically changed. School funding for the wealthy districts hasn't been changed and they've been getting school funding increases every year in the last three years. Their actual mil rate effort for education has gone down every year. Boothbay Harbor can do their whole school budget on 4.1 mil of effort. The last few years they've gained almost \$800,000 in school funding at the expense of many cities and at the expense of pretty much all of rural Maine.

This Majority report, which I hope we can go on to accept, will help restore, frankly, about half of the \$36 million that's going to be cut out of school funding next year and bring more equity to school funding in Maine. This is a very critical issue for equity

and I hope that you'll follow the Senator from Somerset, Senator Mills' light. Thank you.

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

Senator **BOWMAN:** Thank you, Madame President. You know it's kind of interesting, I've learned throughout my relatively long life that different people who look at the same data and they come to different conclusions. It's happened in the Education Committee. It's happened throughout the rest of my life. I look at this data and I don't come to the conclusion that my colleagues who have spoken before me do. A minimum receiver receives, in order of magnitude, 10% or 15% of the total cost of education in this so-called subsidy. Many of the other receivers receive up to 85%, which is close to six times the 15% number. Throughout my time in this Body I have sought to vote, whether it's in committee or in this chamber, for fairness and what's best for the State. I see L.D. 1041 as not meeting either one of those criteria. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to add a couple of facts, if I may. When I was in the other Body and this bill was sent to program services and passed, the Representative from the Wells/Ogunquit area was there. We talked about the fairness of this issue and the money. He said he couldn't go back home and voted against this bill as it was presented a couple of years ago because it would mean \$1 million more to Wells/Ogunquit. We're still talking about the labor market areas. We never did really finish playing with that the other night. You have 88% of average teacher's salary reimbursed in the poor areas of the State. The Southern Maine areas, and I don't want to get into a sectional fight, at 105% or 106 % of the teacher salaries. The good Senator behind me was talking about the unfunded liability. If you have average teacher's salary in the \$50,000 and \$60,000 range in Southern Maine, there is a portion of the unfunded liability that is attached to those salaries versus a \$6,000 or \$7,000 difference in salary in the Northern, so-called rim counties.

Maybe we could debate and look at those numbers and see then in different ways. Portland, with an \$85 million school budget, has \$12,500 per pupil for 7,000 pupils. \$12,500. You ask them what the difference is, well it's 63 dialects or something. In Aroostook County you have folks that are educating for \$7,000 per student. Perhaps we could have the Senator from Lincoln, Senator Dow, take out his pencil and paper or his calculator and do some calculations for us, and see if there's equity. It certainly doesn't look that way from 240 miles north of here. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Bowman to Committee this Bill and accompanying papers to the Committee on Education and Cultural Affairs. 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 (#198)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DOW, NASS, STRIMLING, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, COURTNEY, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, WESTON

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence, **FAILED**.

On motion by Senator **MITCHELL** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-403) **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.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders" H.P. 1003 L.D. 1429

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-605)** (10 members)

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

Tabled - June 20, 2007, by Senator **WESTON** of Waldo

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

(In House, June 20, 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-605) AS AMENDED BY HOUSE AMENDMENT "B" (H-622)** thereto.)

(In Senate, June 20, 2007, Reports **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 (#199)

YEAS: Senators: BOWMAN, BRANNIGAN, DAMON, MARTIN, MITCHELL, PERRY, THE PRESIDENT - BETH G. EDMONDS

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

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **SULLIVAN** 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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify the Method of Education Cost Sharing among Certain Municipalities"

H.P. 1112 L.D. 1590

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

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-262)**.

Signed:

Representatives:

FINCH of Fairfield
HARLOW of Portland
EDGEComb of Caribou
McFADDEN of Dennyville

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **BOWMAN** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, 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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1333 L.D. 1900

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-562)**.

Signed:

Senators:

BOWMAN of York
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-563)**.

Signed:

Senator:

MITCHELL of Kennebec

Representatives:

MAKAS of Lewiston
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562) AS AMENDED BY HOUSE AMENDMENT "C" (H-627)** thereto.

Reports **READ**.

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report **ACCEPTED**, in concurrence.

Senator **SULLIVAN** of York moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report, in concurrence.

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

Senator **MILLS:** Thank you, Madame President. I'd like to shed a little light on the controversy that this bill generates. Perhaps it would help move things this evening. I don't object to the good Senator's motion, but if I can give you the substance of what's happened and it may clarify things. The Majority report has with it House Amendment "C" which is pretty much the Minority report position only, I would say, with a vengeance. If your posture on this bill is that you would like to favor the Minority position, you will find an opportunity in the debate over House Amendment "C", which I intend to oppose rather vigorously when given a chance. The pending motion to adopt the Majority report isn't the end of this issue and you'll have your opportunity to argue your point of view that I think you are sympathy with when you get to House Amendment "C". That's just my perception of the issue.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **SULLIVAN** of York to **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes

H.P. 1353 L.D. 1919

In House, June 11, 2007, **FINALLY PASSED**.

In Senate, June 20, 2007, on motion by Senator **MARTIN** of Aroostook, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

S.P. 230 L.D. 713
(C "A" S-129)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-129)** (8 members)

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

In Senate, May 30, 2007, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-129)**.

Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

HELD BILL

An Act To Restrict the Use of Credit Scoring for Insurance Purposes

H.P. 335 L.D. 419

(In Senate, June 20, 2007, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 20, 2007, **PASSED TO BE ENACTED**.)

(In Senate, June 20, 2007, **PASSED TO BE ENACTED**, in concurrence.)

On motion by Senator **COURTNEY** of York, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence

Senate at Ease.

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 404

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

June 20, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Joint Order, HP 1018, I am pleased to appoint the following Senators to the Joint Select Committee on Future Maine Prosperity:

Senator Dennis S. Damon of Hancock
Senator Philip L. Bartlett II of Cumberland
Senator Jonathan T.E. Courtney of York
Senator Debra D. Plowman of Penobscot

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: S.C. 405

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

June 20, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Joint Order, HP 1018, I am pleased to appoint the following members to the Joint Select Committee on Future Maine Prosperity.

John F. Piotti of Unity
Deborah L. Simpson of Auburn
Nancy E. Smith of Monmouth
Thomas R. Watson of Bath
Patricia B. Sutherland of Chapman
Stacey Allen Fitts of Pittsfield
Christopher W. Rector of Thomaston
James M. Hamper of Oxford
Windol C. Weaver of York
Bonnie S. Gould of South Berwick
Richard G. Woodbury of Yarmouth

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Glenn Cummings
Speaker of the House

READ and ORDERED PLACED ON FILE.

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 Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs

S.P. 213 L.D. 676
(S "A" S-352 to C "A" S-106)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Emergency Measure

An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs

S.P. 213 L.D. 676
(S "A" S-352 to C "A" S-106)

Tabled - June 20, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 20, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106) AS AMENDED BY SENATE AMENDMENT "A" (S-352)** thereto.)

(In House, June 20, 2007, **PASSED TO BE ENACTED**.)

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

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 Recognize Gold Star Parents and Family Members

H.P. 60 L.D. 62
(S "A" S-350 to C "A" H-84)

An Act To Reauthorize the Community Preservation Advisory Committee

S.P. 108 L.D. 336
(S "A" S-351 to C "A" S-22)

An Act To Amend Certain Provisions of Fish and Wildlife Law

S.P. 356 L.D. 1104
(S "A" S-356 to C "A" S-234)

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

S.P. 475 L.D. 1361
(H "A" H-544, S "A" S-230;
S "B" S-354 to C "A" S-180)

PASSED TO BE ENACTED and having been signed by the President were 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:

Constitutional Amendment

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
(C "A" S-259)

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1333 L.D. 1900

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-562)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-563)** (5 members)

Tabled - June 20, 2007, by Senator **MITCHELL** of Kennebec

Pending - motion by Senator **SULLIVAN** of York to **RECONSIDER** whereby the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report, in concurrence

(In House, June 20, 2007, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562) AS AMENDED BY HOUSE AMENDMENT "C" (H-627)** thereto.)

(In Senate, June 20, 2007, on motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report **ACCEPTED**, in concurrence.)

On motion by Senator **SULLIVAN** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report, in concurrence.

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

Senator **SULLIVAN:** Thank you, Madame President. Somehow I have been remiss in attending caucuses or something, I'm not sure. This is an item that I've had many, many e-mails on for a Minority and evidently something has happened. I'm not necessarily opposed to that, but I think I'd like to know what has transpired that would change that and go from there, which was what I trying to get to so quickly. I know we all want to adjourn, but at the same time I know we want to do right by our constituents.

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

Senator **MILLS:** Thank you, Madame President. There is every reason to be confused about the current posture of this bill, and not just because of the proliferation e-mails. In the Majority report, eight of us on the committee thought that the proposed rule in regard to special education should include an attempt to define those known as 'adverse effect.' We also thought that statute of limitations then would bring claims arising from an adverse decision of the team meeting should be two years rather than four or six or some other number. Those two issues have

come into great contention. The Minority report would have simply deferred, for some period of time, any adoption of the definition of what's called 'adverse effect' and it would have adopted a 4-year statute of limitations. The other Body has adopted the Majority report and then going on to amend it in two major respects. First of all, the simple issue was the statute of limitations. This House Amendment would adopt the Minority perspective on the statute of limitations, four years versus two. In regard to the other issue about how to define 'adverse effect', which is the major issue and the major difference between the two reports, the House Amendment says, 'Let's establish a commission with 21 people, stakeholders of sorts, and hold five sessions during the coming summer months, and sometime by a point in September, advise the Department of Education and the Department of Education can then proceed to issue an emergency rule on this very topic after having had fuller advice from this task force. That, I would say, represents very fully the perspective of those who are espoused to be with so many e-mails, the Minority report. It's a fuller version of the Minority report and it is procedurally attached as an amendment to the Majority report, perverting, if you will, the Majority report into a position that very well suits those who are espoused to the Minority position. If you want to debate this issue, and I don't want it to go on very long, but I'd like to say a few words. My own perspective is that I'd like to say them when we reach the point of trying to put House Amendment 'C' onto Committee Amendment 'A'.

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

Senator **SULLIVAN:** Thank you, Madame President. I was clear with everything because I represent the Legislature on a committee of parents with children with disabilities as their liaison. This is a hot topic last Friday morning. I clearly heard, and I took the rap for all of you as to, 'You people don't know what you're doing.' We had a long explanation. I would ask two questions, if I may, Madame President. Number one, by having a meeting of stakeholders and all, is that going to attach a fiscal note to this through the summer? This is what I heard, and again I'm thinking on my feet and I don't do that very well especially when I'm very tired, and if I heard this correctly, if we put it in the posture where the Majority report is passed with a Minority piece added to it and we don't go for what has been agreed on by all parties for four years, then we could end up in a place where we don't pass anything, or we pass, inadvertently, just the Majority report, neither of which I want to happen and so I don't know if this needs to be strategically thought out. I certainly can't move to table it because I'm already talking, but there are some major implications here that we need to go home and think about it. I'm not sure if I'm clear, I'm having a problem here.

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

Senator **MILLS:** Thank you, Madame President. Certainly if you adopted the Minority report at this juncture we would be out of concurrence with the House, and if that situation persisted, we'd be running the jeopardy of not having the Resolve pass. If no resolve passes than the rule goes into effect as the Department

has drafted or as they may choose to draft. The safest perspective, from your point of view, would be to support not only the Majority report for the moment, however temporarily, but also House Amendment 'C' when that is read and moved.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues of the Senate. I am a strong proponent of the Minority report. However, tonight I will be voting for the Majority report and dealing with the compromise that has been reached by those who are advocates for children with special needs, members of the Education Committee, and people from around the state who have e-mailed you. I'm sure you've gotten as many e-mails on this as you have on tax reform, potentially, because it's always very difficult to know what to do. The task force that the Senator referred to did meet, did a lot of good work. It is incorporated in the Majority report. It turns out two differences. One, the statute of limitations, everyone agrees now it will not be reduced from six to two but rather from six to four. Herein lies the legal buzzword of the evening. I'm going to read this part to you because it's important. The federal law says that in order to qualify for special education services, children with certain kinds of disabilities, including mental retardation, impairments to hearing, speech and autism, must have a disability that 'adversely affects the child's instructional performance.' Now you may think those two words are very simple. I submit to you they're probably as complicated as any. They're so complicated that only one state in the country has defined them thus far, and that is Vermont. Though I'm very proud of the word 'Dirigo' in the seal down here on the floor, I see no reason to rush to judgment and to let Maine be the second state in the country to define it because it must be done right or children will be hurt. I will be joining the good Senator from Somerset as he opposes future sections so I'll wait until that time. There's an opportunity to have a compromise that deals with a good definition of 'adverse effects' so I will be voting for this report and we can have further conversation if we need further clarification.

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

Senator **BOWMAN:** Thank you, Madame President. I looked up the fiscal note and there's no fiscal impact, so that answer that part of the question. I, too, have received a lot of e-mails in support of the Minority report. I have started receiving some in support of the Majority report. It's interesting where the originators of those e-mails come from. The ones that support the Majority report are school special ed administrators and the others are from practitioners or parents. I will be supporting my own motion, of course. Thank you.

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-562) **READ.**

House Amendment "C" (H-627) to Committee Amendment "A" (H-562) **READ.**

Senator **MILLS** of Somerset requested a Division.

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

Senator **MILLS:** Thank you, Madame President, ladies and gentlemen of the Senate. This is a very serious issue. Special ed costs for the State of Maine are approximately \$350 million. It is probably the fastest growing component of K-12 education. As part of what came out of L.D. 1, it was a policy decision made by the Chief Executive to start funding, at a State level, 100% of those costs that are not already funded by the feds so that local districts are, or may be, completely absolved of all the cost consequences of designating children into the special education system, and yet all the decisions are made at that very level of government. I don't know if anybody's ever had a management course, I haven't but in my casual reading. The idea of segregating financial responsibly completely, from my responsibility, never made any sense at all in any business I ever saw. One of the things that the Administration told us as L.D. 1 went through was that even though we are assuming those costs, and essentially holding the locals harmless from them, not to worry because they would begin to create some sense of order out of this chaotic special ed designation system. We have districts, units, where we have only 5% of the kids designated. We have another where we have 35% designated. The average in the state, I think, is 17%, 18%, or 19%, and the costs are climbing. The thought was, 'Well, we'll take some initiatives at the State level to bring some order as to how kids are designated. We will establish some criteria. We'll have some guideposts or guidelines. We will give to the local administrators the benefit some central advice about how to distinguish between those children who are eligible and those not.' The Department, about three years ago, embarked on a task force study that looked at these issues with all of the stakeholders involved. A year ago there was a rule promulgated with some suggested guidelines that were borrowed from Vermont. There were public hearings on that rule last year. The rule was adopted, promulgated by the Department. It was major substantive. It came to the Education Committee. We filled the room a couple of times over with people commenting on this rule. In the end we took measures to ameliorate it. We said this series of standards for designating kids as special ed or not should be softened and that we should promulgate it as a guidepost only and temper it with some choice words, which we, in the Majority report, have directed the Department to adopt. What we've said is that these criteria should be regarded as sufficient to define a need for special ed and related services, but they are neither essential nor necessarily sufficient in and of themselves. They are intended as a guide for teams to employ when determining eligibility. All that we've done in the Majority report is said to the Department, 'Try these criteria out. Send them out to the field. Let's work with them, let's see how they work.' Every single special ed team in this State is free to employ them or ignore them in the given case. They have that discretion; it's built into the rule.

That was not enough. We've had the ginning up of the e-mail circuit, if you will. We have been dunned by parents' groups, and so forth, who are very adept at exerting political pressure to avoid the setting up of any standards whatsoever. That's where

we're headed right now. The House Amendment 'C' lying before you says to establish a task force of 21 people. I have look at the text of this version and there's nobody on there representing taxpayers. Every single advocacy group that you can possibly imagine is on there. There's one member of the Department of Education. This group is suppose to have five meetings over the summer and advise the Department on how to proceed. This is not how to bring this system into conformity with some sense of order. This is allowing, basically, the people who are most opposed to any regulation whatsoever to dominate the discussion all through the summer to the disadvantage, I suggest, of those who are administering it, including MACECD and the other people who are in charge of administering this at the local level. They want some guidance. They too have e-mailed you. They too have appeared at public hearings. Their numbers are fewer than the others but their voices are no less significant. I suggest to you that we, representing taxpayers, also need to take a voice in this. This is no way to manage this system by suggesting by that the State take over all of the costs and direct, worse yet, the locals to designate children with no standards or guidance whatsoever. I think this is sheer folly.

In my lifetime I lived through the ascendancy of the Workers' Compensation system during the 1970s and the 1980s, its demise when it reached the level of about a half a billion dollars annually, and it collapsed because it was over extended. This is a system very parallel. The advocates who do not want any controls over the system will run it to the point where it becomes fiscally unsustainable and it will implode on itself. There needs to be some buffering, some management, and some caution in how we manage this system. For that reason I urge you to vote 'no' on the pending motion. Thank you.

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

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

Senator **MITCHELL:** Thank you, Madame President. I know the hour is late and we're all worked up about things, but I'm a little bit surprised at the tenor of the discussion around this debate, and that parents and advocates who e-mail us and speak out are not taxpayers and should not be making their voices heard. I'm sure the Senator from Somerset, Senator Mills, really didn't mean that. I find it particularly ironic when I look at the chairs behind me. People are speaking out, as they should and as they can, and so can these parents. Maybe they can't be here, but they can e-mail us, and it's okay because that is our system of democracy. This is not quite as big a deal as we're talking about. It's obviously very important to remember we're asking only one thing. We're asking to delay this piece of legislation until September 28, 2007, that's this year, to give the stakeholders a chance to review the language. I must admit some very excellent language was crafted by the Senator from Somerset, Senator Mills, and I'm sure it will serve as a basis for much of the discussion. At the end of that time, the rule that which defines 'adverse impact' is enacted provisionally, and it will be in effect. It must come back to the Legislature because we do not wish to turn a substantive rule into just a technical one that doesn't have to come back to us.

That's all this is. It's an opportunity to take the biggest change that I know of in years and years and years in defining

who should be served by special ed programs. Delaying it until September 28th so that those people who are concerned and are advocates can review the language and then it becomes, again, a provisional effective rule. I encourage you to vote for the amendment.

THE PRESIDENT: The pending question before the Senate is Adoption of House Amendment 'C' to Committee Amendment 'A'. 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 (#200)

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

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

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, House Amendment "C" (H-627) to Committee Amendment "A" (H-562) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-562) as Amended by House Amendment "C" (H-627) thereto, **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Thursday, June 21, 2007.

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 Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program
H.P. 187 L.D. 216
(S "A" S-348 to C "A" H-554)

Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education
H.P. 727 L.D. 967
(H "A" H-398; H "B" H-597)

Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12
H.P. 1089 L.D. 1564
(S "A" S-355 to C "A" H-402)

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

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 Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination"
S.P. 666 L.D. 1850
(S "A" S-296 to C "A" S-267)

In Senate, June 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267) AS AMENDED BY SENATE AMENDMENT "A" (S-296)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267) AS AMENDED BY HOUSE AMENDMENT "A" (H-624) AND SENATE AMENDMENT "A" (S-296)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BOWMAN** of York, the Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

Acts

An Act Regarding Involuntary Treatment of Mental Health Patients

S.P. 350 L.D. 1033
(H "A" H-620 to C "A" S-332)

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

An Act To Reduce the Income Tax

S.P. 303 L.D. 952
(C "A" S-281)

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

An Act To Secure Maine's Transportation Future

S.P. 634 L.D. 1790
(S "B" S-339 to C "A" S-308)

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

ORDERS OF THE DAY

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

An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide

H.P. 90 L.D. 98
(C "A" H-159)

Tabled - May 16, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**, in concurrence.)

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

On further motion by same Senator, 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-159)**, 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-159), in concurrence.

On further motion by same Senator, under unanimous consent on behalf of Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-367) to Committee Amendment "A" (H-159) **READ** and **ADOPTED**.

Committee Amendment "A" (H-159) as Amended by Senate Amendment "A" (S-367) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159) AS AMENDED BY SENATE AMENDMENT "A" (S-367) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy

S.P. 90 L.D. 253
(C "A" S-196)

Tabled - June 12, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196).**)

(In House, June 11, 2007, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-196).

On further motion by same Senator, under unanimous consent on behalf of Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-368) to Committee Amendment "A" (S-196) **READ** and **ADOPTED**.

Committee Amendment "A" (S-196) as Amended by Senate Amendment "A" (S-368) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AS AMENDED BY SENATE AMENDMENT "A" (S-368) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

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

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED.**)

(In House, June 18, 2007, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, under unanimous consent on behalf of Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-359) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-359), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

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

H.P. 327 L.D. 411

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 18, 2007, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, under unanimous consent on behalf of Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-360) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-360), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens

H.P. 208 L.D. 274
(C "A" H-15)

Tabled - March 22, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, March 20, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15)**, in concurrence.)

(In House, March 21, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-15)**, 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-15), in concurrence, and **INDEFINITELY POSTPONED** same.

PASSED TO BE ENGROSSED, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Adjust the School Funding Formula with Regard to Unorganized Territories

H.P. 368 L.D. 484
(H "B" H-600 to C "A" H-261)

Tabled - June 19, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 18, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS AMENDED BY HOUSE AMENDMENT "B" (H-600)** thereto, in concurrence.)

(In House, June 19, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-261) AS AMENDED BY HOUSE AMENDMENT "B" (H-600)** thereto.

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-261) as Amended by House Amendment "B" (H-600) thereto, 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** House Amendment "B" (H-600) to Committee Amendment "A" (H-261), in concurrence, and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-375) to Committee Amendment "A" (H-261) **READ** and **ADOPTED.**

Committee Amendment "A" (H-261) as Amended by Senate Amendment "A" (S-375) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS AMENDED BY SENATE AMENDMENT "A" (S-375) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Fund The Western Maine Career Centers
H.P. 439 L.D. 572

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 18, 2007, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-361) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-361), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Support The Capital Riverfront Improvement District
S.P. 195 L.D. 603

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED**.)

(In House, June 18, 2007, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-362) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-362), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

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

S.P. 211 L.D. 674

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED**.)

(In House, June 18, 2007, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-363) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-363), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey

H.P. 599 L.D. 783
(C "A" H-149)

Tabled - May 16, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**, in concurrence.)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-364) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY AMENDED BY COMMITTEE AMENDMENT "A" (H-149) AND SENATE AMENDMENT "A" (S-364), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services
H.P. 694 L.D. 919
(C "A" H-212)

Tabled - May 23, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212)**, in concurrence.)

(In House, May 22, 2007, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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-212)**.

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-212), in concurrence, and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-366) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-366), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Improve Transportation for Veterans
S.P. 316 L.D. 999
(C "A" S-55)

Tabled - May 8, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55)**.)

(In House, May 3, 2007, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55)**.

On further motion by same Senator, Senate Amendment "A" (S-365) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55) AND SENATE AMENDMENT "A" (S-365), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Implement The Recommendations Of The Office Of Program Evaluation And Government Accountability Regarding Economic Development In Maine

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

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" (S-278)**.)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-278), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-369) to Committee Amendment "A" (S-278) **READ** and **ADOPTED.**

Committee Amendment "A" (S-278) as Amended by Senate Amendment "A" (S-369) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278) AS AMENDED BY SENATE AMENDMENT "A" (S-369) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

Resolve, To Continue the Tribal-State Work Group
H.P. 891 L.D. 1263
(C "A" H-395)

Tabled - June 12, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**, in concurrence.)

(In House, June 11, 2007, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**, 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-395), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-370) to Committee Amendment "A" (H-395) **READ** and **ADOPTED.**

Committee Amendment "A" (H-395) as Amended by Senate Amendment "A" (S-370) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395) AS AMENDED BY SENATE AMENDMENT "A" (S-370) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Require Health Insurance Coverage for Hearing Aids
S.P. 537 L.D. 1514
(C "A" S-265)

Tabled - June 14, 2007, by Senator **ROTUNDO** of Androscoggin

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

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265).**)

(In House, June 14, 2007, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-265), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-371) to Committee Amendment "A" (S-265) **READ** and **ADOPTED.**

Committee Amendment "A" (S-265) as Amended by Senate Amendment "A" (S-371) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265) AS AMENDED BY SENATE AMENDMENT "A" (S-371) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Create a Service Model for Delivering Career and Technical Education

H.P. 1057 L.D. 1532
(C "A" H-224)

Tabled - May 24, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**, in concurrence.)

(In House, May 24, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-224)**, 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-224), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-372) to Committee Amendment "A" (H-224) **READ** and **ADOPTED.**

Committee Amendment "A" (H-224) as Amended by Senate Amendment "A" (S-372) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224) AS AMENDED BY SENATE AMENDMENT "A" (S-372) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Animal Welfare Laws

H.P. 1137 L.D. 1615
(C "A" H-567)

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)**, in concurrence.)

(In House, June 18, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-567)**, 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-567), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-373) to Committee Amendment "A" (H-567) **READ** and **ADOPTED.**

Committee Amendment "A" (H-567) as Amended by Senate Amendment "A" (S-373) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567) AS AMENDED BY SENATE AMENDMENT "A" (S-373) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Resolve

Resolve, To Improve Landowner Relations

H.P. 1151 L.D. 1642
(C "A" H-233)

Tabled - May 30, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 23, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**, in concurrence.)

(In House, May 29, 2007, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate
RECONSIDERED whereby the Resolve was **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-233)**, 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-233), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-
374) to Committee Amendment "A" (H-233) **READ** and
ADOPTED.

Committee Amendment "A" (H-233) as Amended by Senate
Amendment "A" (S-374) thereto, **ADOPTED**, in **NON-
CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-233) AS AMENDED BY SENATE
AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**,
to Thursday, June 21, 2007, at 9:00 in the morning.