

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

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

In Senate Chamber
Thursday
June 21, 2007

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

Prayer by Senator Lynn Bromley of Cumberland County.

SENATOR BROMLEY: Thank you, Madame President, brothers
and sisters. When I was in graduate school, one of my favorite
professors reminded us frequently that the places where we do
justice are sacred spaces. So today I suggest that today is a
sacred day, the longest day of the year metaphorically and reality.

As I drove here today I had thoughts of family and of family
gatherings, because really that is what we all are here. In my
personal history, family gatherings were often characterized by a
tug of war we'd have in the backyard. Old and young would join
in. So today I offer you today an image of a sacred tug of war.

Please join me in a moment of thought and reflection.
Creator, remind us that we are a family in reality and in metaphor.
Remind us that we are family to each other and that each of us is
proxy for every citizen and soul in our state and that we hold
every care, concern, hope and promise in a sacred tug of war of
sorts, complete with tightly held values, fierce resolve, dug-in
heels as well as playful abandon. As we finish today, hopefully
today, whether we end in stalemate or some group of us crosses
the centerline to prevail, at the end of the day we will put the rope
down. Let us do that gently, carefully, and with grace so that
none of us lands hard. Thank-you.

Reading of the Journal of Wednesday, June 20, 2007.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

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

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, Bill and accompanying
papers **COMMITTED** to the Committee on **APPROPRIATIONS**
AND FINANCIAL AFFAIRS, in **NON-CONCURRENCE**.

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

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, Bill and accompanying
papers **COMMITTED** to the Committee on **APPROPRIATIONS**
AND FINANCIAL AFFAIRS, in **NON-CONCURRENCE**.

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 Provide Funding to the St. Francis Water District for
New Wells
H.P. 157 L.D. 186

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, Bill and accompanying
papers **COMMITTED** to the Committee on **APPROPRIATIONS**
AND FINANCIAL AFFAIRS, in **NON-CONCURRENCE**.

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 Credit for Rehabilitation of Historic Properties

H.P. 218 L.D. 262
(C "A" H-595)

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-595)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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 Increase the Availability of Cellular Telephone Service for Rural Residents

H.P. 249 L.D. 305

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, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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

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

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-548)**, in concurrence.)

(In House, June 18, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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 Protect the Health of Infants

H.P. 507 L.D. 658
(C "A" H-598)

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-598)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

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 Strengthen the Scientific Research Support Capability of the Maine State Museum

S.P. 209 L.D. 672
(C "A" S-42)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 25, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-42).**)

(In House, May 2, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

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 Increase Funding for the Spaying and Neutering of Companion Animals

S.P. 217 L.D. 680
(C "A" S-103)

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-103).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE**.

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 Authorize the Operation of Slot Machines on Indian Island in Old Town

H.P. 532 L.D. 701
(C "A" H-572)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572)**, in concurrence.)

(In House, June 18, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

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 Promote Forest Management Planning and Certification

H.P. 558 L.D. 737
(C "A" H-585)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**, in concurrence.)

(In House, June 18, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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

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, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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 Eliminate the Property Tax on Business Equipment Owned by Small Retailers

S.P. 318 L.D. 1001
(C "A" S-321)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-321).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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

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" (S-313).**)

(In House, June 18, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

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

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

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

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-257).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

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, Regarding the Maine State Cultural Building in Augusta
H.P. 1308 L.D. 1876
(H "A" H-466 to C "A" H-400)

Tabled - June 14, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400) AS AMENDED BY HOUSE AMENDMENT "A" (H-466)** thereto, in concurrence.)

(In House, June 14, 2007, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

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 Right To Know Advisory Committee Creating the Public Access Ombudsman

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-607).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent 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)

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

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

Senator **STRIMLING** of Cumberland moved the Senate **INSIST**.

Senator **WESTON** of Waldo moved the Senate **RECEDE** and **CONCUR**.

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

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **WESTON** of Waldo to **RECEDE** and **CONCUR**. (Roll Call Ordered)

Non-Concurrent Matter

Bill "An Act To Improve the Essential Programs and Services Funding Formula"

H.P. 759 L.D. 1041
(C "A" H-403)

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, on motion by Senator **MITCHELL** of Kennebec, 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-403)**, in **NON-CONCURRENCE**.

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

Senator **BOWMAN** of York moved the Senate **ADHERE**.

On motion by Senator **RAYE** of Washington, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

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

S.P. 679 L.D. 1866

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

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

In Senate, June 15, 2007, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

Senator **BARTLETT** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **BARTLETT**: Thank-you, Madame President. During the debate on this particular bill, one of the biggest concerns was the retroactivity piece and that we were changing a standard that would apply retroactivity to a pending proceeding. Recognizing that concern, we've asked that this be returned to the Committee on Utilities and Energy to look at a prospective change. One of the things that has become clear to me is that the current standard has some flaws. It would seem that taking some time in the next session for us to work through the standard, not dealing with the particular deal at hand, not looking to do anything retroactive, but simply to look at whether the standard is appropriate on a going forward basis. I believe that addresses the concerns I have heard from the folks in this Body and I urge you to support the pending motion.

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

Senator **SMITH**: Thank you, Madame President and members of the Senate. I could not disagree more with the good Senator from Cumberland, Senator Bartlett. The law, as it now stands, has served this state well for a good number of years. Over the last ten years fifty-five Telco reorganizations since successfully have occurred under the current law. It is only because of one Telco reorganization, which is currently pending, that this has now arisen. This bill has now been presented and this controversy has arisen. There is no reason to spend the good time of this legislature on that record, looking at that standard. It has worked very well over the years. It continues to work well and if is left

alone it will continue to work well into the future. I urge you to vote against the pending motion.

On motion by Senator **MITCHELL** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **BARTLETT** of Cumberland to **RECEDE** and **CONCUR**. (Roll Call Ordered)

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1338 L.D. 1904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-630)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) AS AMENDED BY HOUSE AMENDMENT "A" (H-631)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-630) **READ**.

House Amendment "A" (H-631) to Committee Amendment "A" (H-630) **READ**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-631) to Committee Amendment "A" (H-630), in concurrence.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Protect Wild Trout from Exotic Species"

H.P. 799 L.D. 1081

Had the same under consideration, and asked leave to report:

That they are **Unable To Agree**.

On the Part of the Senate:

Senator **BRYANT** of Oxford
Senator **MARTIN** of Aroostook
Senator **GOOLEY** of Franklin

On the Part of the House:

Representative **WATSON** of Bath
Representative **KOFFMAN** of Bar Harbor
Representative **SAVIELLO** of Wilton

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

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

ENACTORS

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

Act

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

H.P. 712 L.D. 937

(S "A" S-353 to C "A" H-283)

PASSED TO BE ENACTED 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.

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.

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.

Senator **PLOWMAN** of Penobscot 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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from 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)

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

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

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

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

ORDERS OF THE DAY

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

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

Majority - **Ought to Pass** (11 members)

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

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

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

(In House, June 13, 2007, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

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

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

Senator **PERRY:** Thank you, Madame President. For the last five months that is not the motion I planned to make on this bill. This won't be the speech I planned on giving. In fact, through the work on this bill in the last several days, I haven't had time to write a speech so I'm going to wing it. First and foremost, I have to talk about the process we had in the Taxation Committee, what a remarkable process and experience it was, and how we wouldn't be here today, this close to accomplishing comprehensive tax reform, if it wasn't for this process. It's been, as I said, five or six months in the Tax Committee. It started about a year ago when one of our more progressive members of the Senate, the Senator from Cumberland, Senator Strimling, reached out to one of our more conservative members of the Senate, the Senator from York, Senator Nass. He said, 'Lets get together. Let's talk this issue over and see if there is some common ground.' That's precisely what they did. They met at the Senator from York, Senator Nass' house and started to foster a path that brought us to where we are today. Without that collaboration we would not be here and the lobby wouldn't be nervous that we're actually going to o this and still be here tracking this bill.

The process was inclusive. Everyone was invited. We started with an open mike day where we reached out for folks to bring us their ideas on tax reform. We got some very interesting ideas. In many ways this bill reflects what we heard. In many ways there was some disappointment that we didn't hear input in places we would have liked to have it and left us moving on. You see the work we've accomplished. We had three goals. Primarily we wanted to expand the sales tax base to add stability. Our sales tax base is too narrow. We rely too heavily on auto sales and home building supplies. When we get into a boom cycle, lots of sales tax revenue comes in. On the income tax side we don't have special treatment for capital gains or profits. It's at the 8.5% top marginal rate, same as our income tax. When we're in good times, lots of capital gains money comes in. It leads us to a boom and bust cycle. In booming times its easy to support its easy to support spending that may not be sustainable. In the low times it becomes very difficult to bridge this gap and find ways to support the State Government when we're facing deficits. Then you lay things on top of it, such as citizens' initiatives that put \$800 million in the last two budgets into education funding.

One goal was broadening to add stability. The second goal was discretionary. Everything we purchase, you and I, that is a necessity is sales taxable. Can you imagine if our current tax code had the items in it that we want to expand into? We were talking about adding things like clothing, shoes, diapers, and toothpaste. That's what we're paying tax on now, so discretionary. Lots of things that we want to put more money back into people's pocket that we're taking on their hard work and labor and allow them to determine their tax bill by taxing things that they choose to spend their money. Golf, skiing, sightseeing, and the list goes on. So those are two of the three goals. Third,

and perhaps the most important goal, is exportability. Maine is a bargain. This is Vacationland. You see all the plates as you come and go, out-of-staters. They're getting a bargain here. They come to this state and get tax breaks they don't enjoy in their own home states. We're not gouging anyone. We're not asking them to carry the load for State Government. We're just designing a tax code that is more in line with tax codes in their own home state. The nice part about that is through exportability we can fund the government at its current level and reduce the tax burden on Mainers.

We just went through a very difficult budget process where we had to cut \$250 million out of what current law would say we needed to spend. It was not easy. It was painful. To go and cut another \$250 million to get us to the same tax burden as we can get through exportability, to me, does not make sense. We can get Mainers to the same tax burden through exportability and an improved tax code through this bill. Its not going to come to pass, I don't believe. I believe that a lot of concerns were raised at the last minute, concerns regarding the language that has been printed for weeks. It raises more drama when you bring up these concerns at the last moment. It leaves a shadow of a doubt in people's minds and makes it harder for us to do our job.

I think there has been some misinformation out there as well. I think there are campaigns that have scared the public, the public that I believe will benefit from this. People think we're taking away their mortgage income deduction. I suppose that's true. We're replacing it with a tax credit that is more valuable, in almost all cases. It is more valuable to the tune that 96% or 97% of all Mainers would receive a tax decrease under this plan.

I've heard from the business community and others that the biggest obstacle to attracting new investment, new businesses, to the state of Maine and to keeping our retirees as residents of the state of Maine is our 8.5% top marginal tax rate. This bill would reduce it by 30%. Now I'm hearing it's not important. I can't believe my ears. It's not enough. It doesn't accomplish anything. Surprising. We have moved this bill further along, or the underlying notion of comprehensive tax reform, further than we ever have before. That's a good thing. Unfortunately, we've done that every year for years. We can keep moving it further along. At some point we're going to have to decide if we're going to do it or not. If we're not going to do it, we probably ought to stop talking about it. More importantly, we probably ought to stop knocking the State of Maine and telling the world this is not a good place to do business. So with that, Madame President, I move Indefinite Postponement and I would ask for a roll call.

On motion by Senator **PERRY** of Penobscot, 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 Strimling.

Senator **STRIMLING:** Thank you, Madame President, men and women of the Senate. It is a tough moment. We are so close. Indeed we think we are one vote short. That's how close, one vote short. Who knows, you never really know I suppose until you cast the votes. One vote seems so close to being able to reduce taxes and reform our code in a way Maine people have asked for. Throughout history one vote has meant a lot in the United States. It could mean a lot here today, but we're not there. I'd like to thank the Senator from Penobscot, Senator Perry, for

his kind comments about the work the Senator from York, Senator Nass, and I did this summer. I'd like to thank the Senator from York, Senator Nass, for welcoming me into his home. Probably not a lot of progressive Democrats go around his kitchen table too often, I'd imagine, but he and his lovely wife were very welcoming made a great cup of coffee and fed me some good zucchini bread. That was really just the beginning. As much as the Senator from Penobscot, Senator Perry, talks about that beginning, there was much, much, much work after that which got us here today.

As with most things that we create in the legislature, there is a small seed. There is an idea, but the people who really make the world change are the implementers of those ideas not the people who begin, start, or come up with them. The implementers of those ideas really were the Taxation Committee and all of its members who, for months and months and months, did unbelievable work. I've never seen a committee work that well together. Chairman Perry deserves a tremendous amount of credit. His colleague in the House, Chairman Piotti, deserves a tremendous amount of credit but every member does as well because we really did do what Maine people have asked for. We have reformulated the tax code. L.D. 1925, which we are about to indefinitely postpone, would have radically changed Maine's economy.

Our tax code was written forty years ago. There was a very different world in Maine forty years ago. It's a much more mobile economy today, much more of a service sector today, but our tax code doesn't reflect it. Over and over again we hear from both sides of the aisle the importance of our income tax and the effect that it has on the mobility of people coming to Maine and staying here to earn a living. Today we have the opportunity, but came one vote short, of dropping our income tax code by 2 points. That is a huge deal. Not many states have done that. It would have made a dramatic difference in the lives of Maine people. Today we had a chance, and came one vote short, of perhaps doubling the Homestead so that Maine people could get twice as much property tax relief as they receive today on the valuation of their home. One vote short of enhancing the circuit breaker program so that we could make sure that the lowest income people in our state could get the relief they so desperately need. These are people who cannot afford to live in their homes anymore. One vote, it's hard.

I hope today is also not the end. I hope today really is a next step because I think that the work that we've done is still here and I am an optimist. I hope we do come in for a special session and I hope our Governor calls us to that task, or we call ourselves to that task, because we must get this done. Finally, I hope that we continue to strive to do this in a bi-partisan way. I say that to my side of the aisle and I say it to the other side of the aisle because, unfortunately, I feel like this time, although we tried so hard, we weren't able to find that ground. I don't put the blame on either side but I hope that as we move forward in the process that both sides can figure out what they are willing to give up in order to get. The process of politics and the process of change and the process of making this state even greater than it already is the process of sacrifice. Whether it is personal or political, we must be willing to give up a little bit of our philosophy in order to gain a broader good for everyone. We get caught in our corners too often, unwilling to give and only wanting to receive. We must find a way to look beyond that. It is where the Senator from York, Senator Nass, and I started almost a year ago. It's where the Committee went for five months, but sadly today were one vote

short of that. I will support the motion to indefinitely postpone but I will do so very reluctantly. I will also do so with the hope that we'll be back and we will have a stronger package that Maine people will have heard about, they will recognize as being imperative for our future, and I hope on that day we will be unanimous in support. Thank you, Madame President.

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

Senator **TURNER:** Thank you very much, Madame President, ladies and gentlemen of the Senate. I don't think that this is a good day for this Chamber. I don't need to repeat any of the things said by the good Senators on the other side of the aisle, the Senator from Penobscot, Senator Perry, and the Senator from Cumberland, Senator Strimling. I would add, however, that my Senate district, the so-called gold coast senate district, is where L.D. 1925 was originally crafted. While it had some warts and cuts and bumps and bruises on it, it made a dramatic step with respect to the income tax. A dramatic step. Like all of us, I spent time going door to door every two years and finding the new license plates from South Carolina, Nevada, Florida, Texas, etcetera. Where are you going and why? It's invariably tied to the income tax code that disadvantages income, disadvantages investment, disadvantages savings and on and on. This was a significant step. It's a shame that we're stepping back in what could be a dramatic change in our tax code. I'm, frankly, disappointed that we are where we are, but we are where we are.

My concern right now is that we have five months of significant energy put forward by members of the Taxation Committee and I don't want to see that work lost. I would like some assurances that this committee has a mechanism to be able to take the work they've done, if this motion of indefinite postponement succeeds, have the capacity to do work in the off session, and perhaps come forward with something. I have predicted to people that this was not ready for prime time. It needed to be referred back to the committee and perhaps even having portals that individual taxpayers could go to and say, 'Here's my profile. Here is your code as you have it. What does it do to me?' Let it confirm that they are one of the 90% who would be advantaged or the 10% of the taxpayers that would be disadvantaged, but at least they would understand and the trust factor, which is missing in this, would be assuaged.

I think about what the good Senator from Aroostook had told me multiple times with respect to reforming Maine's tax code. He said it is an impossible task because everyone who's going to be disadvantaged at the margin will come forward and fight you on it. We've seen that in spades in this outing, in spades. I thought there was a lot of misinformation put out on school consolidation for administration. That pales against the misinformation put out against tax reform. We are a democracy and you can put your truth out as you see it. Regrettably, I think it's helped put this in a very unfortunate posture. I would close by just posing a question, does the Taxation Committee have the capacity, even with indefinite postponement, to retain their good work and perhaps to continue to work in the off session with the idea of bringing something forward to us either later in this year or the very beginning of 2008?

THE PRESIDENT: The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may

wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President. I will attempt to answer the question. I'll give you my opinion of that question and the answer is 'no'. When we come back we'll be in a much more political environment. I wish it were different, but our attitudes change, our needs change, and so I would say no.

However, if I could just continue, there are things happening that indicate the other functions that might have an opportunity and go on, that's our Prosperity Committee. It has an option of maybe combining the things that we've done with the issue of reducing spending and our appropriators have set for themselves the task of efficiency or arriving at a certain amount of money for efficiency. So those two areas are ongoing and possibly might result in making more progress.

I would like to thank our committee chairs, House and Senate, for the opportunity to participate and certainly the Senator from Cumberland, Senator Strimling, for continuing to give me the opportunity to learn what bi-partisanship really is and how difficult it is, even with a young energetic senator from a strange place called Portland. Easy because he is so likable. Hard because bi-partisanship for an old guy doesn't come naturally. I'm more comfortable being a partisan I think. Thank you, Senator Strimling.

Just a couple other comments, hopefully, to add to this conversation. This is happening in other states where people are realizing what the Senator from Cumberland, Senator Strimling, talked about. We need to do something to reduce our burden on income, savings, capital gains, and those things that drive our economy. Where it's happening could be a guide to us. It appears to me that our citizens aren't coming along with us. It's not a strange thing; everyone has seen this happen before. This is hard stuff. They haven't caught up with it. I'll give you an example. This Sunday at a funeral, unfortunately, I had a very prominent member of my community whispering to me at the back of the church saying, 'Great work, you're doing great work, this bi-partisanship thing is good.' Where was he publicly? He was a public official. Where was he to help us with this? He wasn't there. It's even more strange than that because I know he has a strong voice. I heard his voice last Fall when we were debating the taxpayer bill of rights. It is not just him. There is a strong voice for this out there apparently for this. I know it there, I heard it when they were opposed to us. We heard a strong voice on this and it was from the other side. They were willing to come forward and complain. That strong voice on the other side was silent last Fall. We need help on these and other difficult issues. We need those people who are willing to whisper to me 'great job'. We need to have them do more than that. They need to stand up and be counted and write letters. The same thing we're all used in to the political process. You can't be a fair weather advocate anymore in this society. We need help. Thank you, Madame President. This was a great opportunity for all of us. I hope we've advanced the cause, or the conversation. For myself, I intend to try and convince my constituents that this is an important goal that we need to focus on. Income and reducing our burden on income, even if we have to increase our burden on consumption, is a worthy goal and it is my intention to further that discussion. Thank-you.

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

Senator **DIAMOND**: Thank you, Madame President, men and women of the Senate. Over the past two weeks I have felt a little bit like a skunk at a lawn party. I don't support this legislation. I think the committee did a tremendous job. I think especially the Senators from Penobscot, Senator Perry, York, Senator Nass, and Cumberland, Senator Strimling, and Representatives Piotti, Hotham and all the committee did a wonderful job. I think they did absolutely what they thought they were told what to do by all of us Maine citizens. For me, I think all of that good work, and as hard as they tried, given the fact there were some really good parts of this legislation, I think there was something that was really missing. Before I say that, I would like to thank the members of my caucus for providing me the respect that they did for my obstinate position and I thank them for that. I think many people understood and some didn't in other places. I thank my caucus for that. I think the piece that was missing, for me, in the whole package was the Maine flavor. I think the committee worked so hard in their committee room, they had open mikes, as the Senator from Penobscot, Senator Perry, said, and invited people in. I think what was missing was the everyday Mainer who doesn't have the opportunity to come up here to have their voices heard. That's the voice that might have given the committee a different direction. I think that Maine flavor is exactly what we need because I'm an optimist as well. I think something can happen in spite of what others may say of those who do not support this package. I think we need to involve the everyday Mainer. We have to inject in the process those people who don't and won't or are unable to come to Augusta. I think that translates into going around this state and listening to what people have to say. We might not like what they say. Their comments to us may be, 'We want you to cut,' and then our question is, 'Where?' They may say to us, 'We want you to cut it and use that money to do a tax reduction.' Whatever it is they say, I think we need to hear their voice. Madame President, men and women of the Senate, I thank the committee and all their leadership but I do think this package is missing that piece which is so critical. Thank you.

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

Senator **SCHNEIDER**: Thank you, Madame President and men and women of the Senate. First, thank you so much to all those from both sides of the aisle on the Taxation Committee who worked night and day to do this incredibly difficult work. I supported their efforts. I'm not afraid to support to say so on the record. I believe it would have helped the vast majority of Maine people. I think it would have helped Maine businesses. I'm disappointed we are where we are. My constituents, over and over, called for tax reform and relief. I pledged to work for these values and these goals. I am incredibly disappointed that this is the way we conclude our session and at the same time I want to acknowledge the difficulties that arise in this effort and my respect for my colleagues that were not in support of it. It is easy, however, to be a critic. I'm counting on those critics, especially the organizations like the Chamber, to start stepping up and work on a solution and being part of a solution instead of just spewing negatives. I am so tired of hearing the negatives without positive input and solutions. I'm hopeful that my colleagues who were critics will work with those people who have already laid a foundation, an important foundation, that I hope will be built on by

leadership from both sides of the aisle, our Chief Executive, and the Taxation Committee because we need to make a change for the benefit of all Maine people. They have asked us to do it, they have called out for us to do it, it is now time to come together and work for a solution. So this is my challenge and I thank you for that time.

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

Senator **DOW**: Thank you, Madame President, ladies and gentlemen of the Senate. I guess I'd also like to thank the committee for their great work, but I do not go from the chamber today with a sullen face because there have been a great body of evidence gathered and a great deal of work done. As many of you know, I also had my own plan at one time. It was similar to some of the things. Many of you saw it. It looked like a bull's eye. It was colored. It had yellow in it, green and red rims and a piece of pie in it. It had to do with broadening sales taxes, or increasing sales taxes, switching it all over to property tax relief. I was on board this type of idea from the beginning. I was on board the day after the election and the TABOR failed. I realized something else had to be done. I wouldn't have considered my plan myself unless it had a general tax decrease. I guess the one thing that I disagreed with the Tax Committee on was the tax neutrality. I thought, I always felt, that a small decrease moving in the right direction would be what would stimulate our economy.

I also had a few problems with some of the numbers as they came along and some of the concepts of exportability. The numbers, to me, didn't always add up. There was one number we didn't take into account, which the committee did not look at it. Maybe somebody knew about it, but somebody was holding the cards awful close to the chest. It was a concept that I learned when I went to a tax reform meeting in investment that would move New England states forward down in Harvard this Winter. It was put on by the Lincoln Institute. I took my tax plan with me. I took it like I was a freshman legislator, that this tax plan was going to save the State of Maine and the world. I showed a couple of people on the panel. Some of those people were here because they worked on the Brookings Institute Report. I showed them the report and I said, 'Supposing this idea is tax neutral, that we're going to take money by increasing some sales taxes and put it toward property and income taxes.' He said, 'Well, therefore it is not tax neutral because you forgot your federal income tax returns. When you file your federal income taxes, you cannot take deductions on sales taxes. You can only take them on your state income taxes and your property taxes. So as you shift away from those and towards the sales tax, your federal income taxes are going to increase, not by the tune of a few million dollars but to the tune of tens of millions of dollars to the State of Maine.' That kind of gave me a reality check on that process of mine and caused me to rethink.

There is one other reason I could not come down and support this plan in the end. To me, it was missing one great element. It didn't come out of the Governor's office, which is where I would have liked to have seen it come from because from the Governor's office someone could step back and look at the whole ball of wax and the whole plan and see if it is headed in the right direction. I am not sure, without having another set of eyes look at it. I disagreed but everybody said was exporting \$140 million out of state was a good idea for the tourist industry, which is our largest industry. I'm a businessman and my business

works on advertising. If I was advertising for another state in New England that wanted tourists I'd be out there trumping the fact, 'Have you seen whets going to happen to you in the state of Maine if you visit there this year? They're going to take an additional \$140 million out of your pocket when you go to visit Maine. Come see us, we'll treat you right.' That's what I'd do for advertising. I think that this whole plan needed another set of eyes to look at it. I, frankly, trust those eyes. Regardless on how we voted on different plans that have come out of the Governors office before, whether it's Dirigo, whether it's L.D. 1, whether it was the school consolidation plan, they still have to take into mind the budget process that we go through every year. They have to take into mind the spending process and the possibility of BRAC Commissions that may want to be set up along with this plan to help eliminate some of the duplication in our own State administration to the tune of many tens of millions of dollars that has been suggested. I'm hoping that another set of eyes will look at this because regardless of how we voted on past plans, regardless of what some of us may think, the thing that was missing in this plan, which has been expressed as a dead cat bounce, was an inspiration, was a vision of what it could do for the State of Maine. We still have to answer the question of the waitress when you increase the meals and lodging tax, how does that help the waitress? When you increase the tax on snow plowing, how does that help the person doing the snow plowing? How does that move the Maine economy forward? That, to me, is what was missing. It was the vision and the inspiration from that extra pair of eyes that could say this is what this plan really needs to move it forward. I've already sent a letter to our Chief Executive, asking him to make this project his. Whether he'll do it or not I don't know. I believe that is where it needs to come from. It needs to come with that type of vision and inspiration that I've come to admire. Whether I always agree or not, I have come to admire that vision and the inspiration that seems to always want to move Maine forward in a positive direction. Therefore, I hope that plan moves that way. I don't go out of here with a sullen face because we have a great body of information to be used. I hope it goes to good use. Thank you, Madame President.

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

Senator **HOBBINS:** Thank you, Madame President, men and women of the Senate. I attended that same party the Senator from Cumberland, Senator Diamond, attended for the past couple of weeks. I did so not to be an obstructionist and not to bring attention to myself. I did it very quietly, without fanfare, without embarrassing my colleagues in the local area, or my own state representative who worked so hard with members of the Taxation Committee on this proposal. I would too be remiss if I did not thank members of my caucus for showing me respect by not being critical, at least to my face anyway, but not being critical to be sincere, very respectful.

I think that we have an opportunity in Maine to start a new process and that is the process of educating our citizens and our constituents. We spent a lot of time in the committee process, not myself but other members of the Taxation Committee. We saw a bi-partisan example of leadership by the Senator of York, Senator Nass, and by my friend and colleague, the Senator from Cumberland. We saw exceptional leadership by the House Chair and the good Senator from Penobscot, Senator Perry. I believe that we can now participate in a process of including the Chief

Executive in this process along with some of the stakeholders to see whether or not, during a period of time, we can come up with a different way to accumulate taxpayer money and possibly a different way to prudently, by priority, spend the taxpayers' money on need programs. I look at this as an opportunity for us to step back, reflect, and possibly come back with more reflection on a better proposal. I do thank everyone who worked on this and I do especially thank the Taxation Committee and the leadership of my colleagues in the Senate who participated so diligently in this process. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. As most of you know, I've been one of the most vocal opponents to this plan. Based on the 500 or 1,000 contacts I've had from constituents and people across the state, the one in support of it, I think I'm probably in the right spot on this thing. It's very difficult today because of the respect I have for a number of members on the committee. I have a tremendous amount of respect for the Senator from York, Senator Nass. I've got to tell you in our caucus it's been a little uneasy at times. That's quite difficult, because we all come from different areas and different perspectives, but we do develop a great affection and respect. I know the Chairman, the Senator from Penobscot, Senator Perry, can go on for twenty minutes and outline the entire tax plan. It's that type of reservation to action, sometimes, that makes it so people can work together. I think of my good friend from Cumberland, Senator Strimling. We obviously come from very different places in life. I'm a boy born in Biddeford, Maine and the good Senator is by way of New York City. We have a little different philosophy, but I think going forward we can keep our philosophy and solve this problem. I truly believe that. It's been especially prevalent this session because this body has acted in a way where we work together and we come out ahead. When we work together the people of Maine get a better deal.

I had a conversation earlier when we had the bonding conversation. I sit next to the good Senator from Penobscot, Senator Schneider, in Committee. She comes in and says, 'Boy, those bonds are a little low.' I said, 'I think they are too high.' I think we came to the conclusion that they're just about right. I think that's what the people of Maine sent us here to do. They sent us to come up with a solution. When you put two minds together from different points of view, you come up with a better solution than we ever thought we could come up with in the first place. This is a step in the process. I would say my good friend from Cumberland, Senator Strimling, and the Senator from Penobscot, Senator Perry, the next time you're in York County swing by 31 Birchwood Lane in Springvale. We'll extend that conversation. We have a tremendous opportunity because this state has made a commitment to education that has been unparalleled in the last four years. Going forward there is going to be additional revenues. If you look at even the last three years, above and beyond what we've budgeted, there has been \$180 million, which is more than this tax relief proposal provides. There is a tremendous opportunity going forward. The economy is going to rebound in this state. People are going to look at Maine. We have an opportunity to make this a much better state. Part of the way we do that is to reduce the burden, the burden on the people who pay the bills in this state. Forgive me but I'm a believer that if you reduce the tax rates more people will come,

more business will come. More people will have opportunity, there will be higher salaries, and we'll have a much better state. That's how we get more money to do some of the things some of us want to do. We want to address some of the issues like healthcare and we want to have that safety net.

I think that, in many cases, when we sit down and talk to one another we both want to get to the same place. Its just sometimes we have a different way of getting there. I'll commit going forward with working towards this on a long-term basis. As we move forward, we'll begin with the end in mind and where we're going to be when we're done. Let's work backwards so we can figure out how we're going to get there and how we're going to get there without hurting the people of Maine. Thank you, Madame President.

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

Senator **SMITH:** Thank you, Madame President. I'm sorry to prolong this discussion here today but I have a lot invested in this as well. I sit in this seat because of my strong views about a beautiful Senate district that I represent. It is possibly the largest state senate district in the Eastern United States, spreading itself from Palmyra and I-95 on the south and all the way up through the great woods of Maine to the Aroostook border and Northern Penobscot County. It's a district that is rural as well as being beautiful. It is also a district that has been, in places through it, heavily industrialized and has suffered greatly over the last 25 years. It needs a massive amount of reinvestment, capital investment, in order to rejuvenate a heavily industrial economy that has slipped to the point where some of its principal towns have lost an enormous amount of population. Millinocket has lost several thousand people alone. This is no small matter, from my point of view. I came down here to do something about it. I guess I would call myself pro-growth at this point. My principal concern in all of this is to try to get our economy, particularly that part of the economy that is so heavily dependant upon private sector investment, back on its feet again. That is an area that I think Maine is particularly weak in and I think we lost the focus a little bit in the tax reform effort that has been initiated here. I think we have learned a lot of great lessons and I have certainly been on the other side of the package as it has evolved. I think there is plenty of opportunity to go forward. I do hope that as we do we look at these economic issues and say to ourselves, 'In the end, what can we do to produce a package that us going to produce economic growth?' Private sector investment, that is a precursor to job development, we absolutely must look at it that way. I think one of the early sort of things that deflected us from that, and disappointed me personally, was the idea that this had to be revenue neutral

I introduced a number of bills in this session; all designed to sort of push us to this pro-growth policy. One of them sits on the table here with the largest fiscal note of the year on it because it's a tax cut bill that would have started the tax cut on January 1, 2007. I know what's going to happen here with the budget already being adopted. I had hoped that a bill like that would have been worked in the committee and perhaps brought out as a phase in of the income tax decrease, which we all recognize is the first step in trying to get our underlying economic policies reestablished into a more pro-growth mode. I, too, appreciate the enormous effort that has been made by my colleagues here. I hope that if we're going to start up the effort here again, we can

sort of refocus in this way, as I have suggested, and set some goals for ourselves. We want the end product to be a pro-growth economic policy that will help us establish jobs. We've seen the reports as they have come in over this very session. No job growth over the last reporting period. We've had less than one-third the economic growth in this state than the national average. There is a reason for this. We can fix these problems. We do live in a global economy and there are some things we cannot fix. We can fix things on the margin. We can fix our anti-growth tax policies. We can do something about health insurance. We can something about regulatory costs and some of these other state issues. Everything is on the margin in a global economy. We've got to understand that what was inconsequential in the 1970's is extremely consequential today. I hope that if we start up the project again that we sort of define our focus initially in a way that we're going to, hopefully, going to create jobs and I do thank those who have made the effort on this. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. This is my ninth year as a legislator and I've never spent the night in Augusta, even last night or early this morning. I had invitations to stay here because it was so late, but I have never done so. Through sleet and rain and early morning dawn, I've made the trek to Waldo County and to the Town of Montville. I've done so for one very important reason. I have found the longer you stay in this building the crazier you get. You become out of touch with what's happening, not only in your town but sometimes your own home. I slept in the bed with my husband last night but we never saw each other. He was asleep when I got there and he was gone when I got up this morning. That little bit of touch of reality, looking at the mail, my local paper, and listening to the calls from my neighbors, helps me keep a perspective. I think of all the work that was done. There were hours and hours of work. I believe it was sincere work. I think we lost a bit of touch with the very people we were trying to help.

My neighbor, that I see lots of early mornings as I'm driving out of my yard, is walking down my dirt road with his dog. He came here from Pennsylvania a number of years ago, has great interests in many things, and he began to be more interested in taxes since he came to Maine. He stopped me one morning. I rolled down the window and he asked a lot about this stuff he was reading about the tax plan in Maine. I invited him to come here. He came and spent a day in the Taxation Committee room. He agreed with me that we get a little crazy here. He couldn't quite understand the system, didn't know if he was heard or not, but he did get to speak. His underlying question was, 'I spoke but I'm not sure they heard.' I think that is one of the pitfalls of this plan. For us to make a massive change regarding the income of the people of Maine, they have to trust that we're making it better for them. They don't know what this plan does. I don't believe it does help them and I've had more time to look at it than they have. Before we do anything that says we're going to help them, we have to be sure that we can prove to them that it actually does. I think there are some steps we need to make. First we need to help them by reducing this tax burden, but we do it in a very transparent way. We simply reduce our spending, take that excess money, and buy down that income tax. Don't switch it and don't raise the tax to lower a tax. We need to be very

transparent, very clear to build that trust with the folks that we serve. Then perhaps we do need to look at stabilizing Maine's tax situation, buy we need to do it with the people we serve. We don't sit here and work under the dome, out of touch with the very people we serve.

I look forward to doing that good work, making it clear and reducing their taxes. They have made that clear to us and they deserve no less. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President men and women of the Senate. I need to respond to just a few of the pieces that have been put out there and to respond to the initial comment. I, too, have never spent a night in Augusta in my five years, not quite nine, but five years. I do it for very much the same reason, because I want to make sure I go back to my district every night. Not only do I go back to my district every night, I try to make sure that every day, either before I come here or at the end of the day, I go into the business that I run to look the clients that I serve. I want to make sure that every day I remember the people who are working hardest to make their ends meet in this state. Whether they be a new immigrant who has just arrived from the continent of Africa or whether they be a family that have been here living in illiteracy for generations, I want to make sure I'm serving them in my district. This plan would have done that. We would have reduced the burden on Maine people. We would have dropped the income tax for Maine businesses. We would have doubled the property tax relief for every homeowner in the state of Maine.

When we talk about this plan not having the inspiration or not creating the relief for those who need it most, make no mistake this plan would have. We can look at it and say, 'I believe this or I believe that.' You know what? We have a PhD. Economist who ran a model, and that showed us a model that other states are blown away by how impressive it is, to the penny, how much Maine people would have received and how much of a reduction that Maine business owners would have received in their property taxes and in their income taxes to the penny. Don't for a minute say that this would not have reduced taxes on Maine people because it would have. We are choosing not to do that today. Don't for a minute say that we wouldn't have made this a better economy for businesses to look at us and say, 'I might want to move there.' If you believe the income tax is keeping people out of the state don't for a minute say that if we had voted for this it wouldn't have begun to attract them to come here today. We would have dropped their rate down to 6%, 2.5 points. That is a huge deal.

The business community should have stood with us strong, but special interests, unfortunately, kept them from the table. They had every opportunity to be here and participate. They would have been tremendous beneficiaries of this plan, but they chose not to. Most importantly Maine people will be losing when this plan does not pass today because their taxes would have been reduced. There is only one set of numbers that has been produced by anybody that shows any kind of analysis of this plan and that analysis shows a reduction in Maine tax burden. Everybody who is saying that wouldn't be the case has not produced a single number to their effect. It is simply their belief. For an institution that often prides itself on operating on the facts, please look at those facts. Maine people will not get a reduction

in their taxes today when this plan fails. That is simply the truth. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President, ladies and gentlemen of the Senate. I just wanted to say that, with this proposed plan, I firmly believe that it would reduce the taxes for Maine residents. I want to underline that. However, you should have seen the e-mails that I got and the phone calls about expanding the sales tax base. That was unreal. I didn't keep track of the numbers. It was a hundred or two hundred or whatever. I firmly believe that the work that was done in this restructuring was headed in the right direction. We do have some problems. I think this really centered around expanding the sales tax base, maybe the transfer tax too, and a few other things. I think we're working in the right direction and we can get to our objective. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I firmly believe that today is not a good day for Maine. We ran out of time today to put together a package. I want to tell you why I became a reluctant participant, and I mean reluctant. I knew that our inability to move would mean no tax reform for this session and this legislature for two years. If anyone in this Body thinks that this legislature, or any legislature, can pass a tax package in an election year then you haven't been in this legislature as long as I have been. This is not the first time that the legislature of Maine has tried to reform taxes and it won't be the last. What we do is we reform and we will continue to do that bits and pieces, giving tax breaks to attract business, bits and pieces at a time. From the time we started when I was here with BIW, with National Semiconductor in Portland, and with the potato industry in Aroostook. Just this morning I received a phone call that said a business wants to leave Aroostook County because they've gotten a break from another state where they will pay no property taxes for five years, and no income taxes or corporate taxes for five years. What are we supposed to do? We talk about economic development and the economy.

I come from a town that is as far away as you can get, and unlike the good Senator from Waldo, I can't sleep at home every night. I'd love to but it takes me more time to get home than it does to go to New York City. My hometown was the first town north of Bangor to have a hospital in 1906. It had three mills and they all went by the wayside as things changed. We closed the hospital in 1966. We understand what happens when things change and they change everywhere. You want economic growth, give the tax breaks and they'll come as long as the break is there. When the break is not there, they'll go somewhere else. If that's what you want to do, as a state, keep doing what we've been doing.

The problem, I think, quite simply is we have forgotten where our money goes. Our budget is \$6.3 billion for the coming two years. Fifty percent of the taxes we take in go back to municipalities, towns, and counties. Give them more money and they will spend it. You've seen it and it will continue. Do you want to provide tax breaks? Give it to them and they will use them. Where we are today is not a place where I want to be.

Was I happy with the first tax package? No. Was I happy with the proposal that I thought maybe of going with? No. Am I happy with what is before us momentarily and will not be? No. None of us will ever be happy with a package, ever. Individually we might be. I do know this, that today, by not being able to continue, the only way a tax package, a reform package passed is if we come back here in September before elections begin and the process begins for people running for office. It's true that some people have already begun for whatever it is and some sitting behind us are here because they've begun. If you think they're going to go around talking about raising sales tax, raising income tax, or broadening the sales tax in a campaign, come on. We live in an extremely political world and the process will get us. Today unless we are committed as we move forward today to move to a time very quickly so that what we do is to commit ourselves to come back here in a couple of months. Whether we come with the help of the Chief Executive, or despite the Chief Executive, then one more time. I think I've been through five of those attempts since I've been here and all of them have failed and they will continue to fail. Unless we come back quickly, work with the package that some have and some don't have, that some have in their heads and haven't even talked about it, we will fail miserably. If we wait till January, don't waste your time, and don't waste legislative money printing your proposals because they will go nowhere. I'm not happy voting for the pending motion even though I hated this bill. There's no question about that. I'm concerned because I think that we're on the road to getting something accomplished for the first time in all the years I have been in this Body and in the other.

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm very concerned about the discussion here today. I need to go on record and say that I was not prepared to give remarks. I was simply going to push my red button when I needed to vote against the bill. I think that, in good faith, the Taxation Committee made every effort to do the right thing. There is no question in my mind that the Senator from Cumberland, Senator Strimling, and the Senator from York, Senator Nass, made every effort possible. I'm not disappointed in any part of this except my part in it, for not speaking up and being firm on controlled spending or having a careful eye when casting my vote on pieces of legislation. I'm disappointed that I did not make my views stronger and that I didn't come out from the shadows as a freshman Senator. I came up here thinking I'd do what I think is best. I was going to stay levelheaded. I was going to pay attention. I was going to be respectful. I had firm things that I was committed to. What I'm disappointed in is that one of the things I said I was going to do when I came up here was be very careful where I spent the taxpayers money. I'm disappointed in myself that I didn't speak up and make my voice stronger than I did. I did go down to talk to the Taxation Committee. I was so grateful, and told them that, for the public hearings. I think it was the right thing to do. They made all the moves. I think that those of us who felt that controlled spending was the way to go towards tax reform did not speak loud enough. I really think that tax breaks are not tax reform.

Until we start making firm commitments towards controlled spending I don't know how we can possibly have honest tax reform. If this bill had provided everything that has been touted

here today that it offers, every person in this chamber would have supported it. We would have all wrapped our arms around it. If it had been true tax reform and burden relief we would have embraced it. There is no question. We all would have been on board with it because we all want it. Somewhere in there it just wasn't there to the average person and I think that's the real issue. The person, the taxpayer that's home listening to this, reading their paper, scratching their head, trying to figure it out, and thinking, 'For heavens sakes, what are they doing up there? Do they not realize I'm working forty hours a week for \$12.50 an hour hoping to God I can pay my bills and put braces on my kids and you know pay for the soccer camp in the summer time?' These are the people we are hearing from. We have a handful of e-mails, yes, from the lobbyists and from the special interest groups. Absolutely. They're there on every bill that goes through here. We expect it. We know who they are. I've got a dozen different categories on my computer that I put their e-mails in so I can separate them right out. When anything comes in as a form letter I just separate it out so I know who's writing to me with sincerity and depth. When they take time to write even one sentence that says, 'Senator Benoit, please listen to what I have to say,' I have saved every one of those e-mails. I haven't deleted any of them because I need to refer back to those e-mails. Those are the ones that are telling me that theses are not special interest groups, these are people that are living in the world that I just came from, and where I just spent the last 32 years of my adult life working as a self-employed business owner. That's whose e-mailing me. They're telling me no. If they understood it and thought that it was doing what it was supposed to be doing, they would be sending emails saying, 'For heaven's sake, what are you doing, Senator Benoit? Why don't you support this?' I have had one woman from Arrowsic who works in this building that e-mailed me and say to please support this.

I truly hope we don't have to wait for an election to come around to tout our goods. I make a commitment that when we come back in September, or whether we come back in January, if we have committees and somebody wants to throw me on there I'll volunteer my services. Going through this process and watching the Senator from York, Senator Nass, struggle in our caucus getting practically beat on every day from us and I'm sure taking a thrashing from the public, and I'm sure on the other side there were people who didn't support this that took the thrashing on the other side. I'll tell you, I don't want to have to go through it again. I don't want to be standing up here, if I end up here as long, saying, 'You know I've been here x amount of years and it's the same old thing.' I'm not playing that game. Didn't come here to play, I don't want to play it so I'm making a commitment to this Senate that if we want to talk about some serious controlled spending and ways to go forward with tax reform I can't think of anything I'd rather work on. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. Like many of the other speakers today, I'd like to acknowledge the members of the Taxation Committee who undertook an extremely difficult task. I have enormous respect for each and every one of them for being willing to engage in a bipartisan effort, the very type of effort we need to see more of in these two Bodies. They were not afraid to tackle a tough issue. They labored long and hard to come up with a package.

Conceptually, I'm among those Senators who finds the package attractive. The devil, of course, is in the details and when I got into the details I found the package unacceptable. The changes in the bill are sweeping, to say the least. They would touch Maine citizens in virtually every aspect of their lives. While I know that the members of the committee worked diligently. I was among those who encouraged the members on our side of the aisle to engage in the effort because I think the effort is worthwhile if not now even over the long term. In the end, I believe, the package was flawed. The attempts to correct those flaws come too late in our work here in this session to receive the kind of careful scrutiny that something of this magnitude deserves. I do hope at some point we will revisit the work of the committee and build upon the work that has been done. I think the work that has been done, I know it has been painful for the committee to see it come to this today, has been worthwhile and I want the members of the Taxation Committee to know that I really feel that in my heart it has been worthwhile. Your efforts, while it may feel today to be in vain, I don't think they are. I think that we need to, at the appropriate point in the future, work together to get it right, we owe that to the people of Maine, and to combine tax reform with some kind of meaningful spending control and constitutional curbs on tax increases, which for me is a very important part of it. With that, I'm prepared to vote for the motion before us. I understand the disappointment that many Senators and many members of the other Body feel with that. I think it is the right thing to do for this moment in time, but I do hope that this entire effort will be remembered and will be built upon so we can make meaningful changes in the future.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. I didn't plan to stand and talk about what is good or bad for this legislation. I just want to say a sincere thank you from the bottom of my heart for the hours put in by our three Senators on the committee, especially my seatmate, the Senator from York, Senator Nass, who has always been willing to share with the caucus what's going on in that committee room and to answer my silly questions when I had them to ask. I probably more than most of you, other than the Senator from Hancock, Senator Damon, know how many hours they put in because we'd come to our committee room they'd be in there working. We'd leave from our committee room and they'd still be working. It must be very disappointing. Like a child at Christmas when he's looking for something important and special and it's not under the tree. Thank you, men of the Taxation Committee and your fellow House members. I appreciate your work.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I have to tell you that months ago I viewed this with as much skepticism as I do just about a lot of things that come out of here because people were being led down a path because this package was supposed to include some Constitutional amendments that were going to bolster the people's confidence and add a layer to what we could and couldn't do to them. Each evening, as I walked out the door and past the Taxation Committee, I felt very sorry for the committee

members and all the people sitting there because I knew one half of the package would get here and the other half wouldn't. Sure enough, here we are at that day. There's only one part of what was proposed as the path, as people held hands and started down the path. I feel bad for the people who reached out and held hands, started down the path, and got left at the wayside. It's too bad because a lot of work went into the tax shift package when the people asked for tax relief. They asked for lower spending. They figured if you spent less money, you'd take less money. They actually were encouraged when they thought that there would be some kind of breaks put on the spending around here. They tried that with TABOR. I can't tell you how many quotes I can pull out from the files that we heard their message and we would respond. A tax shift is not what they asked for, a relief from spending was. This bill is not a relief from spending. This bill did not include what people were led to believe would be a two-thirds proposal to the people to make up their mind. I wasn't too optimistic about that either because I figured the same people who fought TABOR would step up and say, 'Don't tie our hands, you can never tell what happens.'

I heard about boom and bust in the previous debate. That's why we have the Rainy Day Fund. We're supposed to keep going on the Rainy Day Fund, not tap into it every time we try to save the world. You cannot put everybody in a lifeboat and save everyone. Until we get that through our heads we're going to be sinking the ship of the State of Maine as we continue to do that. I honestly wish that the motion had been made Ought to Pass so that we would have an honest vote on how people feel about the package before you. For all of those of you who are expressing deep regret at the failure, I would urge you to oppose this motion and then we would see if it is a one vote margin because I think you heard the same thing I heard from the people of the state of Maine, which was they want less spending, not more shifting. Thank you, ladies and gentlemen.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. Just a few extraneous comments that I'd like to make based on what has gone into the record so far. A couple of famous states that are recipients of exports of Maine people, South Carolina and Florida, do a tremendous job of exporting their tax liability, a tremendous job. Secondly, I would also want to remind the Body that the perfect piece of legislation has yet to be written and probably never will be written. I find it a little strange when people talk about wanting to change the investment environment of Maine and yet can't quite get there with this bill. I find it distressing that people talk about wanting to fix spending in a tax bill. In Maine, we don't have a Ways and Means Committee. We have an Appropriations Committee and a Taxation Committee, so it doesn't all sit in one place. Someone in the Chamber earlier today extolled the virtues of the Executive but was disappointed that the Executive didn't weigh in and suggested, perhaps erroneously by my interpretation, that the only source of knowledge and understanding resides in a different branch of government. I would reject that notion and you all understand that the Executive is free to propose and ultimately we, as the Legislative Body, will dispose. That's always been the way it is, that's always the way it will be.

There has been much said about spending and many of us have been on record about wanting to moderate the growth of

spending and how do we do that. Whether you're for TABOR or opposed to TABOR, you do it over time, a piece at a time, and incrementally you move yourself down in the middle of the pack from a tax burden standpoint. Now for all the gnashing of teeth we've had about tax burden, we've made a modest step. We've gone from number one to number two, not a big step but a modest one. I would suggest to you that what is in L.D. 499, the budget bill that we passed, is also a modest step. It attacks the growth of spending around social service programs that needed to be done. It also sets in place moderation in the growth in spending on K-12 education, which as you all know is an area we have poured significant funds the last few years.

Now to quote our current Chief Executive, 'It's a half a mile into the woods and it's a half a mile back out. You get there one step at a time, over time.' I'm with the Senator from Penobscot, Senator Plowman. I urge you to be transparent. Vote this thing up or down as opposed to indefinitely postponing. Thank you, Madame President.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise to announce to you that I am going to oppose the pending motion, not because of the urgings of the good Senator from Penobscot, Senator Plowman, nor the good Senator from Cumberland, Senator Turner, but because I think what has happened is that we have let perfect be the enemy of the good. This is not perfect, and again the good colleague from Cumberland has mentioned, there is no perfect legislation. This comes as close to having tax reform as certainly anything in my brief tenure in the legislature. I'm not going to extol the virtues and the efforts of the people who have worked to get us to this place, but they have done one whale of a job, in my opinion. I'm going to oppose the pending motion because I think that we should be voting this forward, not voting it to indefinite postponement. I'm very concerned that it will take so long to re-prime this pump, to get us to this point where we'll actually have product spilling forth, that we won't see it in the rest of the time that I have to serve in this legislative Body and that, to me, is a failure. It takes courage. It takes commitment. It takes listening to our constituents, which we all do, and then we have to move forward to do the best we can do to accomplish their requests. We heard tax reform, we've attempted tax reform, and we've failed in that regard. Of all of the things I can abide as a person, failing only falls second behind quitting. I think we've given up. For that reason I'll be opposing the pending motion. Thank you.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I've got just a few more comments. I don't know if they're extraneous or not, I haven't got the vocabulary of the Senator from Cumberland, Senator Turner, but you can be the judge. If I had made a different motion I'd have a lot more to say in response to what I've heard. I don't think that matters at this point. I rose to fill in something I forgot to say earlier. It was the only thing I wrote down and it was the only thing I didn't say. I, too, slept at home last night. However, it was on the couch because my kids already took my spot in the bed, but that's my problem. I mentioned the work of the Senators from

York, Senator Nass, and Cumberland, Senator Strimling, but I didn't mention the rest of the committee. The rest of the committee was great. My Co-Chair, John Piotti, I've never seen anything like it; the energy, the focus, and the ability to work and work and work. The freshmen members of the committee were extremely valuable and had an extremely valuable role they played on it. What I forgot to mention is that we have a six-page amendment here. When I mentioned I slept at home last night, I'm not sure some of the people who work in this building did. We had some very long tiring days in committee. We were glad to get out and go home, but we knew when we left that we had just left a heap of work on the folks who work in this building, particularly Julie Jones, our analyst, who's just phenomenal. Alex Avore, and others I don't know in that office, who have put a lot of work into this. In the Bureau, the demands we put on Mike Allen and the reports and the numbers, you name it. Weekends, nights they put it in. Peter Beaulieu, Jerome Gerard, and many others I don't know over there. It was a terrible slip on my part not to mention that earlier because their work and commitment is phenomenal. It's their work and commitment that, I think, will keep me plugging forward to try and get this over the goal line as soon as possible. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Perry 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 (#201)

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

NAYS: Senators: BOWMAN, BRANNIGAN, BROMLEY, DAMON, MILLS, NUTTING, ROTUNDO, STRIMLING, TURNER

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for 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:

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

S.P. 735 L.D. 1930

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

Pending - **REFERENCE**

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.)

Senator **NUTTING** of Androscoggin moved to **REFER** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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 (#202)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **REFER** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/20/07) 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 20, 2007, by Senator **STRIMLING** of Cumberland

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

(In Senate, June 14, 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 is the last, I hope, of the political statement type bills that we want to make, but it's crucial. We just had a long debate, part of which was about the advantages of reducing our income tax. This, as was pointed out, is a dramatic reduction. There is no doubt in my mind that it would be difficult to pay for, but it does help us and it helps the public who pays attention to this, as few as they may be, about the importance of the income tax and what it plays and what it does, with a high rate, to discourage savings and investment. We know there are areas where they are paying attention to this and where they are reducing this, at whatever cost, that there are economic advantages. Over time what happens is the very thing we talk a lot about here but we don't ever seem to be able to accomplish, and that's reducing our burden by raising our income. We know our burden is high in Maine, we say this over and over again, because our average personal income is low. This is one of the ways to accomplish that. Despite its cost and despite its problems, our job today, is to at least consider this and to recognize the fact that this is a bridge out of many of our problems in some form. Madame President, I would urge a Majority Ought to Pass Report and therefore to vote against the pending motion. Thank you.

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

Senator **SMITH:** Thank you, Madame President and members of the Senate. I'll be very brief here. This is my bill and I feel compelled to say just a few words before we vote. This dovetails with the comments I made here just a few moments ago on the tax reform bill. This was a step that I had hoped to take, at least in introducing this bill, and hoped that it would be worked by the Taxation Committee into a bill that would phase down the income tax to a point where we were at least at the midpoint of those states that have income taxes. That, in my judgment, is the minimum reduction. It has to occur if we are going to try to reposition the State of Maine so that it can begin to experience the type of economic growth that most of us had hoped for going forward. I know we have a plethora of problems in this state. I know that the fiscal note on this bill makes it prohibitive in its current form. This is, however, a vehicle that could be used as a vehicle going forward, particularly if we are going to be coming back into session later on in the year to pick up the discussion. I think it's important to keep this kind of bill before the Body. I would ask you to think about that as you vote on this. I think that this is the kind of thing the people of Maine want us to do. They do not want tax increases at this time. They've heard the message. They think that we've heard the message and that tax relief and tax reduction is what is necessary. In my own view, tax reduction begins to get us to the type of pro-growth policies that I want. I'm not one of those that feels that isolated tax incentives here and there, sprinkled through our tax structure is going to be

particularly helpful going forward. I agree with the Senator from Aroostook, Senator Martin, on that. I think what we need is a stable pro-growth tax policy and it begins with a bill like this. For the moment I would urge you not to support the pending motion and if this survives that vote perhaps something else can be done with this bill. Thank you.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. We've had kind of a long, tough few days here, the last few days. If you want to go out on a high note, feeling good, I'd recommend you vote against the pending motion. Who can argue with cutting the income tax in half. It's a wonderful thing to do. You might not want to think about the billion plus dollar fiscal note that no consideration has gone into. We just had a two-thirds budget. Maybe the Appropriations Committee had another \$1.2 billion hanging around. I'm unaware of it. This bill did not have, I don't think, any serious effort put into finding a way to make it work. It was difficult enough to try and find a package that we could do. It's a great bill. It looks good, sounds good, and feels good. Not a lot of effort has gone into it yet. So vote your conscience.

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

Senator **BARTLETT:** Thank you, Madame President. I am just stunned by the debate we have been having over the last hour and a half, I don't know how long it has been, and the disingenuousness that I see in it. We had a two-thirds budget that was passed.

THE PRESIDENT: For what reason does the Senator rise?

Senator **COURTNEY:** Thank you, Madame President. I request a ruling on questioning the intent the motives of the sponsor.

THE PRESIDENT: He is questioning the tone of the debate not the sponsors themselves.

Senator **COURTNEY:** Thank you, Madame President.

THE PRESIDENT: The Senator may proceed.

Senator **BARTLETT:** Thank you, Madame President. I do want to make clear that I would never impugn any individual member of this Body. What I'm concerned about is that we had an extensive budget debate with two-thirds support. There was no assistance by folks in this chamber that there be a 50% cut included in that, nor corresponding spending cuts to make it happen. I find it intensely frustrating that, as we go through these debates, there are consistently roll calls saying we need to cut taxes without any acknowledgment of the spending cuts that have to be made to make it possible. The biggest problem, and I think the reason why we can't accomplish tax reform in this legislature, is the fact that we are too busy telling our constituents that they can have it all. They can have more spending on K-12 education, more spending on higher education, and we'll have more spending on their roads and their bridges. We're going to cut their taxes too. Well it's time that we all own up to the responsibility of this debate

and understand that, as we move forward, when we propose to cut a tax we must cut spending with it or raise another tax, period. As long as we insist that we can take \$1.5 billion out of the budget without it affecting the very people we are sent here to represent and look them in the eye and tell them what it is we're cutting, what services they're going to be denied, the roads that aren't going to get plowed, the schools they're going to have to close, until we look them in the eye, acknowledge that part of the debate, I think we should not simply vote on another tax proposal of any kind because it is insincere to go home and tell folks that we supported a 50% cut in the income tax when we know there is no way we could ever fund that or cut the spending in a way they could accept. Thank you, Madame President.

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

Senator **SMITH:** Thank you, Madame President. Somehow I knew this bill was going to get people excited. I'm fully prepared for that. This is not a disingenuous effort to bring an important issue to this legislature. I fully realize that to cut \$1 billion out of the budget is a serious, serious matter. I think the Senator from Penobscot, Senator Perry, is correct, that there wasn't a very large effort made on this bill. I hoped that it would have received a larger effort than it did because I think that it is in this very area that we must work very hard to come to grips with what we have created here in this state of Maine. I love this state as much as anyone else in this Body. I've lived here all my life. I was educated here entirely. I come from a family that has been here since the 1700's. I think we're committed. There is another generation coming along that is just as committed as well. It is a difficult state to live in. What a bill like this gives us is a stark reality check. We need to come to grips with the monster that we've created that does not create job opportunity for our children. I'm not here to criticize the state of Maine. I'm here in a forward looking optimistic way to say we need to come to grips with what we have here and this is a vehicle to do it. What we need to do first, and I think it is borne out by long experience, is we need to face the fact that we need to cut the Maine income tax. For eight long years Angus King tried to find ways to save enough money to do a tax cut and for those eight years it didn't happen. I don't believe, given the nature of legislative bodies, that there is going to be enough fiscal discipline to save the money and resist spending before we cut any kind of tax and instill automatic discipline in the system. This is what this does. I know that those are hard choices and I know also that a better way to do it is to phase it in over time. That is where I had hoped to guide this bill. I'm a bit of a horse trader, as probably many of you are in this Body. I start high and then I bargain to a lower point. That is where this bill needed to go and I hope that some day in the very near future that is where it goes. I think that the phase in of the Maine income tax reduction that I'm talking about over a three or four-year period is a sensible way to go. I open the bidding at this point but the point remains that it needs to be done. That's why I'm on my feet here today and I thank you for your time.

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 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 (#203)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Act

An Act To Study the Feasibility of Locating a New Bridge in the St. David Area

H.P. 394 L.D. 511
(C "A" H-17)

Pending - **ENACTMENT**

(In Senate, March 21, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17)** in concurrence.)

(In House, March 27, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying papers **COMMITTED** to the **COMMITTEE ON TRANSPORTATION**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Act

An Act To Change the Process for Applying for Reimbursement of Fuel Taxes

H.P. 625 L.D. 828
(C "A" H-525)

Pending - **ENACTMENT**

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525)** in concurrence.)

(In House, June 14, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and Accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Mandate

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

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

Pending - **ENACTMENT**

(In Senate, June 12, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)** in concurrence.)

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

Same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-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 (#204)

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

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, 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 **DAMON** of Hancock to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Ordered sent down forthwith for concurrence.

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

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

Emergency Measure

An Act To Establish an Agriculture Education Registration Plate
H.P. 746 L.D. 986
(C "A" H-157)

Pending - **ENACTMENT**

(In Senate, May 8, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** in concurrence.)

(In House, May 10, 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.

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

Act

An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality
S.P. 335 L.D. 1018
(C "A" S-56)

Pending - **ENACTMENT**

(In Senate, May 1, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-56)**.)

(In House, May 8, 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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Strengthen 'Permissible Inference' in the Law Concerning Dissemination of Sexually Explicit Material
H.P. 4 L.D. 3
(C "A" H-20)

Tabled - March 29, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20)**, in concurrence.)

(In House, March 27, 2007, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer
H.P. 66 L.D. 68
(C "A" H-123)

Tabled - May 9, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 2, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**, in concurrence.)

(In House, May 8, 2007, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases

H.P. 69 L.D. 71
(C "A" H-248)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Take into Account the Crime Committed That Facilitated a Sexual Assault

H.P. 131 L.D. 149
(C "A" H-508)

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-508)**, in concurrence.)

(In House, June 14, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 and Expand Maine Criminal Laws Related to Sexual Assault

H.P. 191 L.D. 220
(C "A" H-93)

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-93)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Provide a Felony Penalty for Assault on a Firefighter

H.P. 201 L.D. 239
(C "A" H-21)

Tabled - April 11, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-21)**, in concurrence.)

(In House, April 10, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

S.P. 95 L.D. 280
(C "A" S-98)

Tabled - March 22, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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

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-251).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence
H.P. 340 L.D. 424
(C "A" H-124)

Tabled - May 9, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 2, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**, in concurrence.)

(In House, May 8, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Human Trafficking Task Force

H.P. 360 L.D. 461
(C "A" H-488)

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-488)**, in concurrence.)

(In House, June 14, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

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 Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers
S.P. 424 L.D. 1223
(C "A" S-286)

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-286).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

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 Criminal Law Advisory Commission

H.P. 882 L.D. 1240
(C "A" H-479)

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-479)**, in concurrence.)

(In House, June 14, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code

H.P. 883 L.D. 1241
(C "A" H-314)

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-314)**, in concurrence.)

(In House, June 4, 2007, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

S.P. 535 L.D. 1512
(H "A" H-590 to C "A" S-203)

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" (S-203) AS AMENDED BY HOUSE AMENDMENT "A" (H-590)** thereto, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Amend the Habitual Offender and Felony Operating Under the Influence Laws

S.P. 579 L.D. 1674
(C "A" S-83)

Tabled - May 22, 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" (S-83)**.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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 Laws Governing Stalking

S.P. 681 L.D. 1873
(C "A" S-199)

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-199)**.)

(In House, June 11, 2007, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

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

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-277)**.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **DIAMOND**: Thank you, Madame President men and women of the Senate. We just saw fifteen bills from the Committee on Criminal Justice and Public Safety that had to be referred back to the Committee. A lot of hard work and excellent bills from the Criminal Law Advisory Commission, from improving the criminal code to improving the OUI and sex offenders and all of that together, were sent back primarily because the system established now in the Appropriations Committee looks at anything with potential future cost. Many of these would have little or no cost; so I'm rising, Madame President, men and women of the Senate, to simply say that system, I'm understanding, is going to be worked on and corrected this summer. Members of the Criminal Justice Committee, and I suspect many others, will be invited to participate because I would not want to see all these scores of hours of all these really nice and important bills be lost because of a system that is not ready yet to handle them. I would just make that statement on the record.

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

An Act To Extend from 4 to 6 Terms the Limits on Legislative Terms

H.P. 1367 L.D. 1928

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 18, 2007, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 19, 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.

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 Amend Maine's Bottle Laws"

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

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

In Senate, June 20, 2007, on motion by Senator **BROMLEY** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, Report "A", **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-325)**, in **NON-CONCURRENCE**.

Senator **BROMLEY** of Cumberland moved the Senate **ADHERE**.

Senator **ROSEN** of Hancock moved the Senate **RECEDE and CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#205)

YEAS: Senators: BARTLETT, BOWMAN, BRYANT,
COURTNEY, HOBBINS, NUTTING, PLOWMAN,
ROSEN, ROTUNDO, SHERMAN, STRIMLING,
WESTON

NAYS: Senators: BENOIT, BRANNIGAN, BROMLEY,
DAMON, DIAMOND, DOW, GOOLEY, HASTINGS,
MARRACHE, MARTIN, MCCORMICK, MILLS,
MITCHELL, NASS, PERRY, RAYE, SAVAGE,
SCHNEIDER, SMITH, SNOWE-MELLO,
SULLIVAN, TURNER, THE PRESIDENT - BETH G.
EDMONDS

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **ADHERED**.

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

COMMUNICATIONS

The Following Communication: S.C. 408

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

June 21, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Joint Order, HP 1018, I am pleased to appoint Representative Donna M. Loring of the Penobscot Nation, as a nonvoting member, to the Joint Select Committee on Future Maine Prosperity.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

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:

ORDERS

Joint Order

On motion by Senator **PERRY** of Penobscot, the following Joint Order:

S.P. 740

ORDERED, the House concurring, that Bill, "An Act To Provide Information to Property Tax Payers," H.P. 837, L.D. 1144, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down 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:

Emergency Resolve

Resolve, Honoring Women Veterans of Maine
S.P. 85 L.D. 248
(S "A" S-359)

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

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 Require Alien Big Game Hunters To Be Accompanied by a Guide

H.P. 90 L.D. 98
(S "A" S-367 to C "A" H-159)

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:

Act

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

H.P. 327 L.D. 411
(S "A" S-360)

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 Adjust the School Funding Formula with Regard to Unorganized Territories

H.P. 368 L.D. 484
(S "A" S-375 to C "A" H-261)

An Act To Fund the Western Maine Career Centers
H.P. 439 L.D. 572
(S "A" S-361)

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:

Emergency Measure

An Act To Support the Capital Riverfront Improvement District
S.P. 195 L.D. 603
(S "A" S-362)

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

Senate at Ease.

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President retired took a seat on the Floor.

The Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

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 Restore Funding to the Maine Joint Environmental Training Coordinating Committee

S.P. 211 L.D. 674
(S "A" S-363)

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; S "A" S-364)

An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services
H.P. 694 L.D. 919
(S "A" S-366)

An Act To Improve Transportation for Veterans
S.P. 316 L.D. 999
(C "A" S-55; S "A" S-365)

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
(S "A" S-369 to C "A" S-278)

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

Emergency Resolve

Resolve, To Continue the Tribal-State Work Group
H.P. 891 L.D. 1263
(S "A" S-370 to C "A" H-395)

This being an Emergency Measure and having received the
affirmative vote of 29 Members of the Senate, with no Senators
having voted in the negative, and 29 being more than two-thirds
of the entire elected Membership of the Senate, was **FINALLY**
PASSED and having been signed by the President Pro Tem, was
presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, To Improve Landowner Relations
H.P. 1151 L.D. 1642
(S "A" S-374 to C "A" H-233)

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator
from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Mr. President. I wish to rise and
just mention what this particular legislation does. It adds a
particular position to the Department of Conservation to be
shared with the Department of Inland Fisheries and Wildlife. It's
one position and the cost of this in the first biennium is \$83,000
per year and then the second year it is \$89,000 a year. I just
wanted to mention that before we vote on this.

THE PRESIDENT PRO TEM: The pending question before the
Senate is Final Passage. 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 (#206)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN,
BRANNIGAN, BROMLEY, BRYANT, DAMON,
DIAMOND, EDMONDS, HOBBS, MARRACHE,
MCCORMICK, MILLS, MITCHELL, NUTTING,
PERRY, ROSEN, ROTUNDO, SCHNEIDER,
STRIMLING, SULLIVAN, TURNER, WESTON, THE
PRESIDENT PRO TEM - JOHN L. MARTIN

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

This being an Emergency Measure and having received the
affirmative vote of 24 Members of the Senate, with 11 Senators
having voted in the negative, and 24 being more than two-thirds
of the entire elected Membership of the Senate, was **FINALLY**
PASSED and having been signed by the President Pro Tem, 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 Amend the Animal Welfare Laws
H.P. 1137 L.D. 1615
(S "A" S-373 to C "A" H-567)

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

An Act To Require Health Insurance Coverage for Hearing Aids
S.P. 537 L.D. 1514
(S "A" S-371 to C "A" S-265)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#207)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, EDMONDS, HOBBS, MARRACHE, MITCHELL, NUTTING, PERRY, PLOWMAN, ROTUNDO, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, THE PRESIDENT PRO TEM - JOHN L. MARTIN

NAYS: Senators: DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, TURNER, WESTON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

An Act To Create a Service Model for Delivering Career and Technical Education

H.P. 1057 L.D. 1532
(S "A" S-372 to C "A" H-224)

PASSED TO BE ENACTED and having been signed by the President Pro Tem, 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:

Act

An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens

H.P. 208 L.D. 274

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

Act

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
(S "A" S-368 to C "A" S-196)

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

Emergency Resolve

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

H.P. 1333 L.D. 1900
(H "C" H-627 to C "A" H-562)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#208)

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

NAYS: Senators: MILLS, NASS, ROSEN, SAVAGE, TURNER

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 5 Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Act

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

S.P. 666 L.D. 1850
(H "A" H-624; S "A" S-296
to C "A" S-267)

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

Senate at Ease.

Senate called to order by
President Pro Tem **JOHN L. MARTIN**
of Aroostook County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator **MARTIN** to his seat on the floor.

Senate called to order by the President.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To 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 21, 2007, by Senator **MITCHELL** of Kennebec

Pending - motion by Senator **WESTON** of Waldo to **RECEDE** and **CONCUR** (Roll Call Ordered)

(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 20, 2007, on motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, June 20, 2007, that Body **INSISTED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#209)

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

NAYS: Senators: BRANNIGAN, PERRY, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **WESTON** of Waldo to **RECEDE** and **CONCUR**, **PREVAILED**.

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

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

S.P. 679 L.D. 1866

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

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

Tabled - June 21, 2007, by Senator **MITCHELL** of Kennebec

Pending - motion by Senator **BARTLETT** of Cumberland to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In Senate, June 15, 2007, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, June 21, 2007, Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#210)

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

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

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator BARTLETT of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

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

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

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1338 L.D. 1904

Tabled - June 21, 2007, by Senator WESTON of Waldo

Pending - **ADOPTION OF HOUSE AMENDMENT "A" (H-631) TO COMMITTEE AMENDMENT "A" (H-630)**, in concurrence.

(In House, June 21, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) AS AMENDED BY HOUSE AMENDMENT "A" (H-631)** thereto.)

(In Senate, June 21, 2007, House Amendment "A" (H-631) to Committee Amendment "A" (H-630) **READ**.)

House Amendment "A" (H-631) to Committee Amendment "A" (H-630) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-630) as Amended by House Amendment "A" (H-631) thereto, **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.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/8/07) Assigned matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality"

H.P. 346 L.D. 430

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-175)**

Tabled - May 8, 2007, by Senator SCHNEIDER of Penobscot

Pending - **ACCEPTANCE OF THE REPORT**, in concurrence

(In House May 3, 2007, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)**.)

(In Senate, May 8, 2007, Report **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/20/07) Assigned matter:

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

Tabled - June 20, 2007, by Senator MARTIN of Aroostook

Pending - **ADOPTION COMMITTEE AMENDMENT "A" (H-382)**, in concurrence

(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.)

(In Senate, June 20, 2007, on motion by Senator MARTIN of Aroostook, **RULES SUSPENDED. RECONSIDERED ENACTMENT**. On further motion by same Senator, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**. On further motion by same Senator, **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (H-382).)

Committee Amendment "A" (H-382) **ADOPTED**, in concurrence.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-386) **READ**.

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. What this amendment does is to correspond and to correct. It is an errors amendment, I suppose, because we enacted the bill earlier. This needs to be inserted into the formula. What the amendment does, basically, is to change one item on what was before us, that is the one on education, so that it increases the allocation that will be raised in the unorganized territory by \$299,553. What that does, specifically, is to deal with the rates that high school students will be paid or charged when they attend high schools in organized towns. For students that are K-8 the formula was whatever the cost was, but for high school students it was fixed at \$7,600. Keeping in mind that the small high schools in rural Maine, close to unorganized territory, have no choice because the law requires that they must take kids from UT. They were losing between \$2,000 and \$3,000 per high school student. What this will do is that the UT will pay the amount that is whatever its costing the local school district to educate one of their own. That's the reason for the increase that'll be inserted in that category.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-386) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382) AND SENATE AMENDMENT "A" (S-386), in NON-CONCURRENCE.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (6/20/07) Assigned matter:

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

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

Tabled - June 20, 2007, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, 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, **RECONSIDERED**.)

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

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

Senate at Ease.

Senate called to order by the President.

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

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

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

Tabled - June 21, 2007, by Senator **WESTON** of Waldo

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

(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, **RECONSIDERED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#211)

YEAS: Senators: BOWMAN, BROMLEY, COURTNEY, HOBBS, MARTIN, MITCHELL, NUTTING, PERRY, RAYE, ROTUNDO, STRIMLING

NAYS: Senators: BARTLETT, BENOIT, BRANNIGAN, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MCCORMICK, MILLS, NASS, PLOWMAN, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BRYANT

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being absent, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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.

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

Senator **SCHNEIDER**: Thank you, Madame President. I'd just like to stand and publicly acknowledge the incredible work of all the people here in this Chamber, the chamber staff as well as in all of our offices, our aides, our assistants, and in particular, the Revisor's Office. I think probably these people, who work so hard for all of us and for the State of Maine, some times don't feel we appreciate them. I just wanted to go on record and say I heartily appreciate their efforts and I would hope that you would join me in applauding their efforts. Thank you very much.

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

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

Majority - **Ought to Pass** (11 members)

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

In House, June 13, 2007, the Majority **OUGHT TO PASS** Report
READ and **ACCEPTED**.

In Senate, June 21, 2007, on motion by Senator **PERRY** of
Penobscot, Bill and accompanying papers **INDEFINITELY**
POSTPONED, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS**
AMENDED BY HOUSE AMENDMENT "J" (H-632), in NON-
CONCURRENCE.

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

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

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

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

Senator **MILLS**: Thank you, Madame President and men and
women of the Senate. If I may just briefly speak to this motion.
Every pundit, egghead, geek, economist, analyst, political analyst,
commentator, economic development expert that I've ever heard
opine on the state of the Maine tax code for the last 13 or 14
years that I've had some passing interest in it has said we ought
to do two things that are so obvious its like egg on your face; we
ought to expand the base of the sales tax and we ought to reduce
the income tax. There are many ways to skin that little cat and
this is one of them. It's probably the best one I've ever seen and
I've seen a few. I've seen a lot of tax committees attempt this and
fail, usually inside the committee. I remember in 1998 the Maine
Municipal Association came down to the Tax Committee with a
much heralded plan that had been vetted through their 78
member policy committee. It was presented to the committee
where it promptly died a week later for failure of a second, as I
recall. It was a devastation to them and it resulted in such anger
on the part of their policy committee that it led ultimately and very
directly to the MMA referendum that passed in June 2004, which
was not a good piece of policy and we're still suffering from the
consequences of that public outcry. I heard for an hour and a half
or two hours this afternoon as many of us in this chamber shed
what I have to say are crocodile tears for the demise of this year's
effort. The expressions of lamentation, the false tears, and the
expressions of regret; 'Oh, if this bill just had this little tweak this
little element I might be with you.' You know that half of the
speakers this morning weren't with it in January let alone in June.

Its discouraging to say the least and particularly so because
of all of these geeks and pundits and eggheads who talked about
this, the university professors have said, 'Look, if you want
economic development cut your income tax. Get you capital gain
down off of 8-1/2 %. You want to induce businesses to stay here,
stop talking about ETIFS and TIFS and Pine Tree Zones and
BETR and all the other little give aways and get down to basics.
Bring that rate down, mother.' I don't know, this is only two
points. What is that in percentage terms? I don't know but it is a
big huge step and gets it down off 8-1/2 to 6-1/2 and it is, all by
itself, the most powerful economic development tool. That one
feature, all by itself, is the most powerful tool for economic
development that this institution could possible entertain at this
point in history. You've got a chance here on recede and concur
to express a little courage, because you won't get thanked for this
vote back at home. Everybody who said that the common man
isn't tuned into this I think is right. I agree with this. I don't think
this is easy politics. This is like school district consolidation. This
is taking your medicine time. This is representative government.

There was a wonderful story told in the other Body. Somebody had sent an e-mail in response to one of those blast e-mails that have been going out on the sales tax expansions. You know, you've all got them. It went from a very intelligent responsible businessman to one of the members. The fellow said it was one of these automatic things that said don't vote for this terrible, terrible bill. The member took pains to respond to the constituent, sent him a copy of the bill, and explained what was in it and what all the benefits were. The conformity to Section 179, I don't know if that means anything to many of you but that's a very interesting proposal for small businesses in Maine and its part of this bill, the reduction of the income tax, the bonus depreciation and conformities that are in this bill. Pointed it all out and gave him a copy of the bill. The response came back, 'You shouldn't be listening to constituents like me, you should be doing the right thing. Do what you know to be best.' He was a member of the Tax Committee. I think the Tax Committee has, throughout this spring, tried as best it can to represent us. I'm not on the committee, but to represent all of the rest of us in doing what you think best. That's representative government. There is nobody in this institution that respects good committee work anymore than I do and I've never seen a committee of any kind this good. I can say that safely because I'm not on it. I just haven't seen this kind of committee work before and you had one of the most powerful computer engineers working on this thing that I've ever been witness to, Mike Allen. He spent ten years of his life doing what the state statutes ask him to do, building models so that within about a half an hour or an hour he can plug into his laptop. He's done this from home. In my observation, I've seen him do it from Slates and on occasion by cell phone. He can respond quickly and deftly to tell you what the impact is of any significant change in the character or the provisions of the statute. He has worked his magic on this bill for months. What lies before you is a work product that has probably thousands and thousands and thousands of really competent technical man-hours invested in it and Lord knows at what state expense. It is not lightly ignored and although any one of us on this floor, any one of us in this institution, could write the bill a little bit differently I'm sure, the point is it's an extraordinarily competent product. It is the resolution of five months of intense committee work that deserve our respect and it achieves the major policy goals that everybody who has looked at our code says are essential. I just think to blow this opportunity really is an act of propitious unfaithfulness to the Democratic process.

There are those, and I share this view by the way, of us that think that it's important to address the spending issue as well. One of the issues of controversy heard articulated by the Chief Executive is that we can't do tax reform without addressing the spending issue. Think about that assertion for a moment. We've got our budget done. We are the ones who taught the Chief Executive how to balance a budget without taxes. It's this institution that taught him how. The budget is set for the coming biennium. I don't know that it's the purview of the Tax Committee to go open up the Appropriation's work or the Highway Budget, but this version that lays before you does address the spending challenge in the out years, in the most direct way that it can. It reduces the tax rate by about \$20 million every biennium, or \$20 million in value which is on tenth or a half-a-tenth depending on the year, but it is calculated to generate cost cutting in the next biennium after this one and in the three or four bienniums that follow. There is, in this bill, a cost cutting,

spending cutting component built right into the same document, so you can press green on this motion and do it all.

This covers all my points, frankly. One of the most useful aphorisms that I carry around in my head is that the losers in a tax reform effort always whine louder than the winners sing. I have not had, I confess to you, businesses e-mail me to tell me how much they appreciate the income tax reduction from 8-1/2 to 6-1/2. I have only heard from those, and I feel for them, who may have to pay a sales tax on some new service or some new product or something that hasn't been taxed before. This is representative government. We hold in trust for the people of Maine the obligation to do the right thing, the thing that we know is best. We are paid \$10,000 a year to devote untold numbers of hours to figuring out what is the right thing to do for the people of Maine. Today, in the ten minutes or half an hour, the right thing to do is to push green to honor the work of the Taxation Committee and the very good work of the other chamber in putting on an amendment that is so highly appropriate to that good work. Thank you.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I don't disagree with a single word that the Senator from Somerset, Senator Mills, just said, particularly the part about the quality of the Committee's work. I try to be realistic. I know how to count, 18 to 19. I know some the feelings outside of this Chamber. I know there is a lot of misunderstanding and misrepresentation that's out there with the public that I have managed to overcome every time I was able to confront it, face to face, and talk about what we were really doing versus what someone thought we were doing based on contact they received from someone who represented it in a way that I don't think was accurate. Well, they've got us again. They know you can spin this a certain way, it's very difficult to undo that, particularly in the last weeks, and days of session. I feel a lot of the concerns that folks have aired on this bill came at the last minute, but they are concerns, I'm sure, that were in hand and in mind several days or weeks earlier. This language hasn't changed much; it was just a matter of the mixture we came up with. I am hopeful, and rather certain, that the Chief Executive is with us. He's gotten the message. He sees what this Body and the other, where we've been able to come and where we want to go, and where I think the public wants us to go if we can just do a better selling job, or do a selling job, with the public. I think they'll embrace this. I'm going to be voting against the motion. Thank you.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. It's always nice to listen to the Senator from Somerset, Senator Mills, talk especially when I agree with him. Ninety-nine percent of what he says is great. It's like the Pied Piper, ready to run off the cliff with him. One thing is missing from this. One thing is missing, any degree of certainty, at least in my mind as I participate in this process. There was the Constitutional Amendments. The other Body has refused to give back to us what we gave to them; a modicum, a weak degree of certainty, that what we are trying to accomplish here would stay

around for a few years and we could actually accomplish it. For that reason, for their lack of consideration and the lack of interest in that part of it, I also urge that you vote against the current motion. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to compliment the great, I think fabulous, bi-partisan work of the Taxation Committee and the long, long hours they've put in. I happened to get a bite to eat, those of you that know me well know that's something I try to do quite regularly, and I happened to read a newspaper just a little bit ago as I was getting something to eat. After I read that I realized at that point that I couldn't live with myself if I didn't get up and speak on this particular subject. I'm reading that the Governor's spokesman David Farmer, in today's Portland Press Herald, said that the Chief Executive is opposed to a dramatic expansion of the sales tax without a corresponding move to control government spending. Well, as the prime sponsor of L.D. 1021, 'An Act to Lower the Cost of State Government', I need to relate to this Body that at that bill's public hearing before the State and Local Government Committee a wide, wide range of people and groups came forward to support that bill to lower the cost of State Government by looking our upper administrative position count and looking at duplications. There was only one entity that came to that public hearing and did not support my bill. That entity was the Chief Executive. The Governor's Office would not support my bill to cut \$30 million from the cost of State Government, which was, frankly, half of what the Brookings Report had recommended. I'm very beholden to members of the Appropriations Committee that at least a \$10 million cut made it into the budget. It's nowhere near what I believe we could cut. For me, intently following my bill through the whole committee process and through its process of being wrapped into the budget, there was no help that came for my bill at any time from the second floor, from the Chief Executive. You can see when I read the paper here just a bit ago it really got my attention. Let me try and put it to you politely. That somehow the Chief Executive had opposed cutting State Government and now he's opposed to broadening the sales tax because we're not cutting State spending. It's just totally, totally inconsistent and upsetting to me to read that.

Many of you have heard the story I've relayed to this Body a few years ago, when my family and I take a few days off in the summer and go to the Maine coast. We encountered some harbormasters and just got talking with them over the luxury yachts that come to Maine from out-of-state. Thank God they do. One of them is Jimmy Dean, the man that owns the sausage company, makes good sausage too. He comes to Boothbay Harbor for five weeks every summer with this yacht that is 130 feet long. There is a crane on the top of it that lowers a thirty-foot boat in the water for I guess day trips. He pays several thousands dollars a day paying docking and mooring fees. When this bill fails today, and I believe it's going to, unfortunately, we're going to continue to give non-residents like that by the thousands a tax break so that we can maintain an income tax rate that's too high to stimulate the small business development. I can't support that. We need, like every other state on the eastern seaboard, to broaden our sales tax for non-resident items and use that to lower our income tax so we can stimulate economic development. To

me, the best economic development is small business economic development, not some giveaway not some giveaway to somebody who comes with 500 jobs and stays for three years and then leaves. I'm talking about three jobs here, ten jobs there, that's the type of economic development that I think will happen with an income tax rate that goes to 6.5% and then slowly, as our economy grows, goes down to 6% after that. My grandfather used to talk about how now and then he would get his dander up. When I read the paper a little bit ago and that kind of got my dander up because we're almost being placed in an impossible situation by the Chief Executive. I'm going to be supporting the pending motion. If I was running it all by myself, yes it would be different than this. To me, on the balance of it, it's going to stimulate economic development, and it's going to broaden our sales tax so it's not so volatile. To me, as much as we can today, it really acknowledges the good work and the bi-partisan work of the Taxation Committee. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. Well it's still June 21st and it's still tax reform. I know some in the Chamber are upset because it's not a Constitutional Amendment package with this pending legislation. I've said this publicly, I've said it privately, I am actually pleased that we don't have constitutional protection with respect to taxes going up or down. Let me just explain briefly why I say that. We can't do the work on tax reform the Tax Committee has tried to do over the last five and a half months with majority vote. Can you imagine if we enact this and try to correct it later with a Constitutional Amendment in place, we'd never get anything corrected, ever. I think having the constitutional protection is false security and actually makes it more difficult for us to further correct things that need to be corrected from a tax code standpoint.

Secondly, I want to speak briefly about the capital gains tax. We've done very good work on two things, in my opinion. We continue to plow energy and money into higher education, one of the critical legs of the three-legged stool, for economic development and prosperity. We finally figured it out with respect to research and development. I think we have the second leg of the stool on its way to helping us long term with respect to job creation in an economy driven by innovation. Where do we fall down? On the tax side. We've got a two-legged stool. Unless you put your feet on the ground, it's pretty difficult to sit on that stool and have any balance at all.

I'm fortunate, or unfortunate, to have people in my family who make a lot of money. They have property in Maine, commanding view of the ocean from Cape Elizabeth, commanding view of the western shore of Sebago Lake, and the like. They're not residents of Maine. They spend a lot of time here. At least in one case, five months and twenty-nine and a half days, but never six months and an hour. These people have said to me, 'Why don't you go up there and do something about these stupid taxes you put on us and if you did we might make investments in your state. Because until you get it, you won't get any of the results of the investment work we do.' Do you realize, and I'm sure those of you who listen to the news know this, that the Federal Capital Gains Tax, for many activities, is 10%. In Maine it's 8.5%. We have people we compete with in New England that have 0% for capital gains tax. Now 6.5% down from 8.5% is not great, but it's

a significant step in the right direction. As I suggested to you this morning, you don't take one step and cure it all. Step a little bit at a time over time. At least, if we do this with respect to income, savings and investment, someone will wake up and say, 'God, I think they finally have it in Maine. They're making some steps in the right direction.' I would suggest to you that Martha Stewart, who spends a lot of time with the Senator from Hancock, Senator Damon, at MDI, is not going to abandon Maine because we somehow manage to export a little bit of tax to her. I'm not sure what the best place in the country is from a quality of life standpoint; some think it is Vermont, some think it is Colorado, but most people think it's Maine. Folks with money have been coming here for a long time, they will continue to come here, and they'll always be one foot ahead of the taxman. If you want them to be spending their money, other than having the laundry done and their lawns mowed, continue to work on the tax code as this first step under L.D. 1925 provides. I would urge you to think strategically, think about the three-legged stool of job creation, education, research and development, and rewarding risk capital when it makes investments in your backyard and support the pending motion to Recede and Concur. Thank you very much, ladies and gentlemen.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills 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 (#212)

YEAS: Senators: BOWMAN, BRANNIGAN, BROMLEY, MILLS, MITCHELL, NUTTING, TURNER

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

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **PERRY** of Penobscot, the Senate **ADHERED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

S.P. 735 L.D. 1930

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

In Senate, June 21, 2007, on motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Comes from the House, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **BRYANT** of Oxford, the Senate **INSISTED**.

Sent down 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:

Resolve

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

S.P. 544 L.D. 1521

(S "A" S-349 to C "A" S-78)

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:

RECALLED FROM GOVERNOR'S DESK

Mandate

An Act To Provide Information to Property Tax Payers

H.P. 837 L.D. 1144

(C "A" H-570)

(In Senate, June 18, 2007, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 740), in concurrence.)

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

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

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-570)**, 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-570), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-387) to Committee Amendment "A" (H-570) **READ**.

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

Senator **PERRY:** Thank you, Madame President. I just gave you my amendment but if you read it, it simply adjusts the fiscal note.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-387) to Committee Amendment "A" (H-570) **ADOPTED**.

Committee Amendment "A" (H-570) as Amended by Senate Amendment "A" (S-387) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-387) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 355

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

June 21, 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 Minority Ought Not to Pass Report of 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)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/20/07) Assigned matter:

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)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 20, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259).**)

(In House, June 20, 2007, **FINALLY PASSED.**)

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

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I'll be very brief. I urge all of you to vote against the Constitutional Amendment. This is a turnover of the state budget to actuaries and I believe in the long run this is a major mistake.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I would, not surprisingly, take a different view than the good Senator from Aroostook, Senator Martin. The current Legislature and the current administration have made a commitment to deal with the unfunded liability in the retiree health plan. Supporting this Constitutional Amendment simply extends that commitment out beyond the current

Legislature, and out beyond the current administration, and puts it on the glide path to take care of that unfunded liability over a thirty year period. I would encourage your support of it. Thank you very much.

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

Senator **MARTIN:** Thank you, Madame President. I would just read from the proposal itself. Annual payments will be made on the basis of an independent actuarial analysis conducted every two years.

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

Senator **TURNER:** Thank you, Madame President. I would simply ask and inquire of the good Senator of Aroostook, Senator Martin, and your point is?

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

Senator **MARTIN:** Thank you, Madame President. My point, if it was missed by the good Senator from Cumberland, Senator Turner, is what I was reading. My point that I made at the beginning was that we're turning over the state budget to actuaries. I read from the proposed Constitutional Amendment exactly what the proposed constitutional amendment would say.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I regret to comment that if that's the case we're already in the hands of actuaries, big time, on the pension side of things. The Constitution already provides that we have to meet our obligations for pensions that we owe to State employees and teachers. We have to pay off that actuarially determined liability by July 1, 2028. It was the teachers and the Maine State employees who, in the early 1990's, brought those Constitutional Amendments to us because they wanted their pensions, they wanted their money, salted away on a responsible schedule determined by actuaries so that we would have enough money in the piggy bank to meet all of the many obligations that we've accrued since instituting pension systems in 1917, which in those days were completely unfunded. Of course we're just doing now for health insurance, health obligations, retiree health obligations, in some fashion very parallel to what we did 10 or 12 years ago with respect to pensions. This is nothing new and the fact that the State has to take an actuarially responsible approach to this debt obligation is compelled by accounting rules that are in turn driven by bond house ratings and analyses. It's all good accounting, good actuarial work, responsible government, and responsible and good business to have an obligation in place that requires us to amortize this obligation that has been appraised at around \$4.7 billion. Thank you.

THE PRESIDENT: The pending question before the Senate is final Passage. 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 (#213)

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

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

This being an Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 19 Members of the Senate, with 16 Senator having voted in the negative, and 19 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE, in NON-CONCURRENCE.**

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled Unassigned matter:

Bill "An Act To Amend the Election Laws"
H.P. 1227 L.D. 1761

Tabled - June 11, 2007, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-489)**, in concurrence

(In House, June 11, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489).**)

(In Senate, June 11, 2007, Committee Amendment "A" (H-489) **READ.**)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "D" (S-389) to Committee Amendment "A" (H-489) **READ.**

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

Senator **MARTIN:** Thank you, Madame President. First, I want to apologize to the staff and members of the Senate. You can see I'm at letter 'D' trying to get this to the way we had worked it out. Basically what this will do is to allow the continued use of stickers in primaries where there is a candidate that has dropped.

Stickers will continue to be allowed. There's some fear that this might be a problem with machines because we may be going to machines in the future. That's why we've made the provision that the clerks, if they have any problems, will report them to the Secretary of State and we'll deal with them the following day.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "D" (S-389) to Committee Amendment "A" (H-489) **ADOPTED**.

Committee Amendment "A" (H-489) as Amended by Senate Amendment "D" (S-389) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY SENATE AMENDMENT "D" (S-389)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Allocate the Number of Redemption Centers Based on Population"

H.P. 1122 L.D. 1600
(C "A" H-272)

In Senate, June 20, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**, in concurrence.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **ADHERED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295)**.)

(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-295)**.

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-295).

On further motion by same Senator, Senate Amendment "A" (S-377) to Committee Amendment "A" (S-295) **READ**.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I would ask that you vote against the pending motion. Let me see if I can succinctly explain to you why I don't think this is a good idea. After this debate I'll make sure that I only meet judges at cocktail parties and not in the courtroom.

This bill comes to us as a result of the convergence of several things coming together. First of all, what the bill does is try to provide a modest enhanced retirement benefit by making a contribution to the judicial retirement system for a COLA that was not paid to judges in the 2003 - 2004 timeframe. Normally when you seek to do that in a retirement system you would expect Maine's Constitution to hold sway, which says you must not only cover the current cost but the unfunded liability as well. Further, we have had, for some period of time, an opinion from the A.G. that says that the judicial retirement system is, in fact, subject to that portion of Maine's Constitution that says that you cannot incur an unfunded liability by providing an enhanced benefit. Somewhere out of the blue, the A.G.'s opinion recently changed and says the judicial retirement system is no longer subject to Maine's Constitution; therefore you do not have to finance the unfunded liability at the time you provide the extended benefit. That is another matter you need to keep in mind.

The reality is the unfunded liability, which does not have to be cured, is about \$1,139,000. It so happens that the posture of the judicial retirement system is such that there is excess money available that would cover this amount and have a little bit left over. In so doing, you would disadvantage those who are not

subject to the benefit of this bill, who would be those in the system who are not judges or are judges but were not judges at the time that this COLA was exempted from their funding mechanism back a couple of biennia ago.

When we discussed this in the Appropriations Committee last evening we had what was, frankly, a fairly rare occurrence in the Appropriations Committee of the 123rd, a split along party lines, with all five Republicans voting against this bill, six of the Majority Party voting for it, and one abstaining because she has a family member who would be a beneficiary of the bill. I think the question we have is where does the money come from that takes care of the immediate cost, which is some \$200,000? I want you to consider what we did in this current session as we struggle to put the strings around L.D. 499 and at the same time try to be responsive to the fact that we had courthouses with screening machines in them with no staffing to man those screening devices. The Judiciary Committee, the Appropriations Committee, and many others in this Legislative Body worked to try to come up with some money to finance the staffing of those screening devices, not completely, but for the first time since those machines were available we've made progress. Much to my surprise, less than 24 hours ago, members of the Judiciary Support Team, that we all know well, came forward and had discovered a few hundred thousand dollars. That's money, frankly, I believe should have gone to further enhance the staffing of these screening devices, which we all agree need to be staffed whenever possible. Many of us went to great lengths to say, 'We need to take action because we are going to one day wake up and somebody will have brought a weapon in a courthouse and either kill the judge or wound severely somebody in the courtroom.' So all of a sudden you see \$200,000 pop up. You would ask, is this the best or the most appropriate use of that money? I suggest to you it is not. Enhancing the retirement of some judges, while laudable, does not rise, I think, to the urgency associated with understaffing of our metal detectors and the like in the various courthouses around the state. Of the things that I have cited to you this is the thing I find most objectionable. You also should be aware that there are others who may decide, 'Gee, if we can do something for judges why can't we do it for non-judges within the judiciary?' or 'Why can't we do it for teachers?' or 'Gee, why can't we do it for State employees who may not have gotten their cost of living increase at various times when our financial situation did not allow us to pay a cost of living increase or for a salary increase?' I think this sets a very, very bad precedent by supporting this bill. Frankly, I think most, if not all, of you would agree that if we have \$200,000 to spare within the judiciary we ought to put it to staffing screening machines in various courthouses not enhancing the retirement benefit of the highest paid people in the judiciary system, sitting judges. I would ask you to vote against the pending motion and I thank you for your attention. Thank you, Madame President.

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

Senator **HASTINGS:** Thank you, Madame President and ladies and gentlemen of the Senate. It was not only the Appropriations Committee that was divided on this; it was perhaps our caucus too on our side of the aisle on this issue. I respect what the Senator from Cumberland, Senator Turner, has said, but I believe in this particular case I think supporting the pending motion is the right thing to do. One of the most enjoyable things about being

on the Judiciary Committee, as a lawyer, is having judges having to come to you and ask for you for something. After spending a career begging from them, and being denied ceremoniously time after time, it's kind of fun to have them come and ask us so politely. One of the problems though with the judges is, with the judiciary, is that they are lousy bargainers when it comes to asking for salaries. For some reason, I don't know whether they consider this something beneath them or unseemly for their position. I have to say I'm defending somebody or a group of State officials who are paid slightly over \$100,000 a year. We pay our judges approximately \$105,000, our general jurisdiction judges, our District Court judges, and our Superior Court judges. That's a lot of money, by Maine standards. I know it is. It is the 45th lowest in the nation, it ranks 45th in the nation. New Hampshire pays \$120,000, Vermont \$113,000. You know they have come to us this year with a judicial salary study that suggested that their salaries be raised and the Judiciary Committee said no. We agreed that they are not paid highly by judicial standards but Maine does not have a great capacity. Lawyers in the country in Maine don't make huge salaries. Maybe they should be paid more. We said no, and in fact, there is no raise for judges in this budget other than the cost of living increase. As I understand, it's been since about 1996 or 1998 since substantial increases in the base salary of a judge has been made in this state. Since then they have been receiving cost of living increases and in two years, 2003 and 2004, I maybe one year off, they received no COLA at all. I'm saying it's not the judges. When they came in and asked for more, they didn't say, 'If we don't get it we're going to quit or we're going to do something.' They come in uniformly and they say, 'We love doing our job. We love serving the State of Maine. We're going to take whatever you give us. We wish you'd give us a raise and that's it.' This is not hardball bargaining. The one thing they asked for this year was to take into consideration the bill before you today. It is to award them or to allow that if they retire to be deemed as if they received the COLA for those two years and have the pension computed accordingly.

The amendment before you now limits the effect of this to only those judges that were sitting in June 2005. Any new hires would not benefit from this. To tell you the truth, they shouldn't have expected it. They knew what they were going into for salary. Normally I would agree with much of what the Senator from Cumberland, Senator Turner, says. If this were creating, truly creating, unfunded liability that was going to remain an unfunded liability, I would be hugely concerned about this. As the Senator from Cumberland, Senator Turner, indicated implementing this bill will create an obligation, a liability, to the judicial pension plan of slightly over \$1 million, \$1,100,000, I think to sort of bring them up to date. Is it unfunded? That is where we differ. This is not an unfunded liability; it's funded by an excess within the judicial retirement system. We're not used to dealing with over funded pension plans. I'm told the only over funded pension plans are the judicial plans and our plan, the legislative plan. I guess we're not retiring as quickly as actuarially suggested or something or dying sooner. I hope it's the former and not the latter. It's not as the Senator from Cumberland, Senator Turner, suggested. It would be if those other players that would be disadvantaged by using that over funded money to cover this liability. That is not the case. Nobody's pension is going to go down, nobody's pension will be altered whatsoever. It simply means there is not that much extra money in the plan that an actuary would say we need to pay for these retirement

pensions when they come up. I don't see this as creating an unfunded liability issue.

There is the issue of ongoing obligations. There is a liability that is on going. That will be paid, as the Senator from Cumberland, Senator Turner, indicated, by certain de-appropriations within the \$54 million judicial budget. To tell you the truth, we should have put more money into court security. We should have raised juror fees. If we don't do that is it the fault of the judiciary? These are hard working men and women who we say, 'You don't get a raise because we weren't willing to raise jury fees or to fund security.' We're not talking about a raise here; we're talking about pension benefits down the road. The final thing to remember is if this Legislature ever determines to give judges a real raise then this entire issue disappears because the deemed COLA would no longer apply. Once we truly give them a raise in their base salary, after three years these COLAs would not be an issue and this whole thing disappears. Ladies and gentlemen of the Senate, I urge you to support the pending motion.

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

Senator **HOBBS:** Thank you, Madame President, men and women of the Senate. First of all, I'd like to thank the gentleman from Falmouth, my colleague who has served so well on the Appropriations Committee, and who, for the first time, addressed the issue of court security in the amount of \$500,000. The courts requested a \$2 million appropriation, but knowing the fiscal constraints of our budget, they were please to at least have started the process of providing court security without having to have some tragedy ignite the need for it. The good gentleman from Oxford, the Senator from Oxford, Senator Hastings, is correct in everything he has outlined regarding the mechanism of the bill. I want to give you a little background. Up until 1996 it was hit and miss of when and if the Judiciary Committee, the judiciary, or the judges of the state would be given any type of raises because it was, quite frankly, at the discretion of the Legislature. Sometimes it was a political decision that was made depending on personalities and depending on the make up of the Legislatures. It was though then that the best possible approach to take would be to take it out of the realm and out it into a commission. In 1996 the first Judicial Compensation Commission was established to review the whole judiciary system, to make an analysis as to what their needs were, and what, in fact, was justified from the standpoint of the amount of money that would be required to have an efficient judiciary and judicial branch of government. There was another report that was done in 2000. The first report that came out the Legislature granted raises to judges, not at the level of recommendations but much less, but at a much less modest low. In the year 2000 another report was issued by this Commission, and because of fiscal constraints, there were no raises that were granted. In 2006 Governor Baldacci appointed a Blue Ribbon Judicial Compensation Commission. There were three members of that Commission: Horace Hildreth, Jr., who I believe was a constituent of the good Senator from Cumberland; Edward Cliff of Ellsworth; and finally the Chair was the former President of the University of New England, Sandra Featherman. A report comprehensive was issued in March of that year and the report found, in an exemplary fashion under a heavy workload with financial resources that are very sparse compared to other states, that the judges that we

have, or were appointed, were highly motivated but not paid accordingly compared to other states. Maine ranks 44th nationwide in judicial compensation. The original bill sought increases, significant increases, and recommended those to the Judiciary Committee. I can tell you, being a practicing attorney, I would have gained tremendous brownie points having passed a significant increase, or even a dollar more, in salary based upon the recommendations. Quite frankly, when you balance all the other unmet needs of the judiciary, the judicial branch of government, and state government. We said no to the judges.

One of the minor pieces that came out of this particular report, this twenty page comprehensive report, was this particular situation where we were trying to replace the COLA in the years 2003 and 2004 that were suspended, that weren't granted that, weren't funded because, again, of a serious problem in state government because of the funding problems we had, as you know, where we had structural deficit debt and we had difficult times. This particular situation will take care of itself and essentially this money will catch up this fund. This fund, unlike most, as the good Senator from Oxford, Senator Hastings, mentioned is unique in state government because it's not under funded. There is more money that has been contributed by judges, not only the state, but the judges have 7.5% of their salary goes to their retirement. They have been over funding and they have basically been paying more into it every single pay period than actuarially they needed to. I would hope that you will support this bill, even though it's contrary to many people's philosophical beliefs. This report was a unanimous report. We took a small bit, just a very small bit, of a very comprehensive and very expensive Commission recommendation by three very capable individuals, and by capable staff, and we recommended this for your consideration and for the Appropriation Committee's consideration. Unfortunately, because of all the other priorities, this has been given maybe more focal point than it probably would have if we weren't in such fiscal straits. I hope you will look at this bill as a very, very small step for those individuals who have worked as sitting judges from 2003 until 2005. Those individuals will be, essentially, putting that money back in that account so when they retire it will be like they received that COLA in the years that we didn't fund it. I'd appreciate it very much if you would consider the unanimous report of the Judiciary Committee. I appreciate the hard work that the Appropriations Committee did in helping fund the budget in a better fashion this time than the Judiciary has had in the past. Thank you.

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

Senator **NUTTING:** Thank Madame President, ladies and gentlemen of the Senate. As a member of the Judiciary Committee, in committee I did support sending this bill to the table to see if we could find some General Fund money for the immediate costs of about \$200,000. The two previous Senators who have spoken are right that the approximate \$1.1 million worth of costs is there in the judicial pension. That would cover this current biennium, but it doesn't cover future bienniums. To my surprise, hearing that some judicial money was found to cover a large bit of this \$200,000 of immediate costs is what really surprised me. I sponsored this year's L.D. 1, a bill to try to increase the pay we pay people who are told they must serve on a jury. We pay \$10 a day and 15¢ per mile, about the lowest in the country. The judicial system assured us there was no money

anywhere, anywhere in the judicial system, to fund any increases in salaries or mileage for jurors. We accepted that, we carried the bill over till next year, and we're going to try to help them out next year a little bit. In the meantime we've discovered that some money was found to help with the immediate cost of the pension to catch up the COLA. That's the part, that's the message, that I just can't live with myself if I support. To me, helping our jurors in the reimbursement of their daily expenses or their mileage, for me at least, is a higher priority than addressing this COLA issue and that's why I very reluctantly can't support the pending motion. Thank you.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. You know I started the day out feeling pretty good. This is my fourteenth last day of the session. Things are going along fine and all of a sudden I hear that out of the blue there is going to be a proposal to increase the salaries of judges the last day of the session. The bills has been around for a while, L.D. 1630, but the money is found here all of a sudden, \$188,000 in 2008 and \$194,000 in 2009. How did that happen? I'm sure the Appropriations Committee scrutinized that department, the Judicial Department, like it did the Corrections Department. Good Lord, we were down there weeks and weeks and weeks. We're not finished yet, I don't think. How could that happen? How could we all of a sudden find this money? Why did we find it, we found it to raise salaries.

I don't disagree that judges don't need increases, but it bothers me a great deal when we have so many needs, we're told the budget is so tight we have no money left, and oops, all of a sudden on the last day, we have enough money to increase salaries of some judges. Those who have been sitting since June 30, 2005 and who may be getting ready to retire. I don't know, that may be part of it. Maybe it's the last three or four years and maybe it has something to do with that. I don't know. We're talking about a tight budget and we're denying other requests. The Appropriations Committee has done a wonderful job really scrutinizing departments. All of these things seem to fall into place and make sense, but this doesn't make sense. We're looking to find this kind of money, then beyond of course in 2010 is \$203,497 and 2011 is \$211,636 and up and up it goes. So again, I'm not saying these particular judges, at least this special group, don't deserve a raise. I'm sure they do, but please the last day of the session when everything is tight, we've been told all these things time and time again, and all of a sudden we get money for raises for judges. Thank you, Madame President.

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

Senator **HOBBS:** Thank you, Madame President. I just want to clarify this is not a raise. This is money that was supposed to be funded and it didn't get funded in 2003 and 2004. There was a suspension of the COLAs. This money goes into the retirement money. This money is not going into their pockets. This is not an increase in their salary. This is about their retirement and how their retirement will be calculated when they no longer are judges. Thank you.

The Senator from Somerset, Senator **MILLS**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I guess we can choose to classify this anyway we want to individually, but the facts are this didn't happen today. It's not a late entry. It is something we have known. It is not a salary increase. I want to point that judges do not have collective bargaining, and therefore, were not in a position to get a salary increase or to come back and get a salary reimbursement for the years that they didn't get as State employees did. What this does is to basically allow for those two years and for that to be counted towards retirement but not getting the money.

The money comes from two sources. I suppose we could all say it's all State money, but it is, in fact, monies that is not going to be used for the end of July. This simply is a process that took place. I guess the question you have to put in your own mind to me is very simple; is it fair? It has nothing to do with whether you like judges or hate judges. You put that in perspective, however, but that's not where we are. The question is; is this a fair way to handle what we can't go back and retroactively provide them? To me, it's very simple and I have no qualms at all about voting for it.

Now I would point out that we constantly do things at the last minute. We find money at the last minute. We do bills at the last minute. As a matter of fact, we did one for one of the persons who is opposing this tonight. So that's not unusual. It just so happens that it's true that it's coming the last hours of the session, we hope. That's really all there is to it. I hope that you will adopt this and move on.

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

Senator **SCHNEIDER:** Thank Madame President, men and women of the Senate. I'd just like to thank the work of the Committee. This is not an issue that I've had the opportunity to vet thoroughly. However I do know that our judiciary is not compensated very well and if this is a way to help compensate them better for what they have been neglected to be compensated for in the past, I hope that that, in some measure, is some consolation. I do respect the work of the committee and I hope that you will also. 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. A dollar isn't what it used to be, but a six-figure income in Maine is still a pretty good living and that's the class that it is we're talking about here. I'm not suggesting to you for a second that our judges are not deserving. I don't think that's the issue, that is certainly not the issue for me. If I could let your eyes glaze over for a moment, I'll give you thirty seconds on pension liabilities, funding, and the like. You'd have a normal cost, let's say it's 17%. If you have no unfunded liability and

actually have an excess, your unfunded liability calculation becomes a negative and subtracts from your normalized cost and you end up with an actual cost. By accident of being at a very robust end of a long bull market, that I think those of you who invest probably agree that its getting a little long in the tooth, we have cut through a period where the Dow is at a record high, the S& P is at a record high, and the NASDAQ is at a record high. Rather than having an excess, which we enjoy today in this particular retirement fund, we could be looking six months from now at a negative. It's an accident of the moment that the unfunded liability, which is created and but no longer required to be satisfied because of the A.G.'s opinion, is covered by excess monies in the Judicial Fund retirement fund right now. That could disappear next week or two months from now. I think this comes down to, in my mind, is this the best use of this so called found money that was brought to us by the judiciary staff twenty-four hours ago? Is this the best use of \$200,000 that we reward, albeit and I would agree deserving, individuals who are judges and ignore others in the judiciary system who are not judges or have recently become judges? Do we continue to under fund the staffing of the screening devices, the metal detectors, which we have in our court system where we worked so very hard in this particular budget document to try to fund? I would suggest to you that this is not the highest and best use of this money and I would again urge you to oppose the pending motion. Thank you very much, Madame President.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. If like country music you might recognize this old title song, 'If You're Going To Do Me Wrong, Do It Right.' I don't know if it was Ernest Tubb, Hank Snow, Hank Williams, or one of those guys, but for us to suggest, for anyone to suggest, this is not compensation for judges I think that's the epitome of playing with semantics it is. It is increases. We should say what it is. It's been defended very well like the Senator from York, Senator Hobbins, the Senator from Aroostook, Senator Martin. Don't suggest to us that it's not compensation and it's not going to increase, especially if it helps with the three-year average. That's going to help, it is and that's fine and dandy. We need to follow the rule and the rule of thumb that the Senator from Cumberland, Senator Turner, suggested. New found money, at the very end, and is this the best use and how do you explain that happening in this quick period and finding that kind of money? Thank you, Madame President.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Adopt Senate Amendment "A" (S-377) to Committee Amendment "A" (S-295). 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 (#214)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, DAMON, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MITCHELL, NASS, PERRY, RAYE, ROSEN, ROTUNDO, SCHNEIDER, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, DIAMOND, DOW, MCCORMICK, NUTTING, PLOWMAN, SAVAGE, SHERMAN, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senator: BROMLEY

EXCUSED: Senator: MILLS

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ADOPT** Senate Amendment "A" (S-377) to Committee Amendment "A" (S-295), **PREVAILED**.

Committee Amendment "A" (S-295) as Amended by Senate Amendment "A" (S-377) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295) AS AMENDED BY SENATE AMENDMENT "A" (S-377) 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 Assist in the Cleanup of Waste Motor Oil Disposal Sites

H.P. 1368 L.D. 1929

Tabled - June 20, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 19, 2007, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 20, 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-378) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-378), 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 Protect Families And Enhance Public Safety By Making Domestic Violence A Crime

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

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-276).**)

(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-276).**

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-276).

On further motion by same Senator, Senate Amendment "A" (S-388) to Committee Amendment "A" (S-276) **READ** and **ADOPTED.**

Committee Amendment "A" (S-276) as Amended by Senate Amendment "A" (S-388) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY SENATE AMENDMENT "A" (S-388) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

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

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

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

ENACTORS

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

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1338 L.D. 1904
(H "A" H-631 to C "A" H-630)

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.

Senate at Ease.

Senate called to order by the President.

Act

An Act To Amend the Nonresident Income Tax Filing Requirements

H.P. 490 L.D. 641
(C "A" H-602)

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL APPROPRIATIONS TABLE**, 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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Health Care Bill of Rights"

H.P. 912 L.D. 1294

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

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-512)**.

Signed:

Representatives:

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

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Reports **READ**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Lower the Cost of Health Insurance"

H.P. 765 L.D. 1047

Received by the Clerk of the House on June 13, 2007, pursuant to Joint Rule 309.

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in concurrence.

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restore Competition to Maine's Health Insurance Market"

H.P. 1226 L.D. 1760

Received by the Clerk of the House on June 13, 2007, pursuant to Joint Rule 309.

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, 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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality"

H.P. 346 L.D. 430

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-175)**

In House, May 3, 2007, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)**.

In Senate, June 21, 2007, on motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, Bill and Accompanying Papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **ADHERED**.

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

COMMUNICATIONS

The Following Communication: S.C. 412

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

June 21, 2007

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 464 An Act To Reform Public Education by
Encouraging Regional Approaches

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

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

Off Record Remarks

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

Senator **SULLIVAN** of York 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.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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 Restrict the Use of Credit Scoring for Insurance Purposes"

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

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

In Senate, June 21, 2007, **FAILED ENACTMENT**, in **NON-CONCURRENCE.**

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

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

Non-Concurrent Matter

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)

In House, June 20, 2007, **FINALLY PASSED.**

In Senate, June 21, 2007, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE.**

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

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

Non-Concurrent Matter

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

S.P. 648 L.D. 1819
(S "A" S-317 to C "A" S-271)

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

In Senate, June 15, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271) AS AMENDED BY SENATE AMENDMENT "A" (S-317)** thereto, in **NON-CONCURRENCE.**

Comes from the House, **INSISTED.**

On motion by Senator **STRIMLING** of Cumberland, the Senate **INSISTED.**

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/18/07) Assigned matter:

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

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

Pending - motion by President **EDMONDS** of Cumberland to **ADOPT** (Roll Call Ordered)

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

On motion by Senator **STRIMLING** of Cumberland, Joint Resolution **INDEFINITELY POSTPONED.**

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

COMMUNICATIONS

The Following Communication: H.C. 357

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

June 21, 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 adhere to its previous action whereby it Indefinitely Postponed Bill "An Act To Allocate the Number of Redemption Centers Based on Population" (H.P. 1122) (L.D. 1600) and accompanying papers.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator **DIAMOND** of Cumberland,
RECESSED until the sound of the bell.

After Recess

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:

An Act To Reduce the Income Tax

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

Tabled - June 21, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 20, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-281).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act To Amend the Laws Governing the Taxation of Partnerships

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

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-288).**)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act To Secure Maine's Transportation Future

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

Tabled - June 21, 2007, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 19, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "B" (S-339)** thereto.)

(In House, June 20, 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-308) AS AMENDED BY SENATE AMENDMENT "B" (S-339)** 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-308) as Amended by Senate Amendment "B" (S-339) thereto.

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 "B" (S-339) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, under unanimous consent on behalf of Senator **ROTUNDO** of Androscoggin, Senate Amendment "C" (S-391) to Committee Amendment "A" (S-308) **READ** and **ADOPTED**.

Committee Amendment "A" (S-308) as Amended by Senate Amendment "C" (S-391) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "C" (S-391) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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)

Tabled - June 21, 2007, by Senator **MITCHELL** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, June 20, 2007, **FINALLY PASSED**.)

(In Senate, June 21, 2007, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.)

(In House, June 21, 2007, that Body **INSISTED**.)

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

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

Off Record Remarks

THE PRESIDENT: I would like to take a few moments just to remind you of the good things we've done in the past session. We've had a hard day. We've had a hard couple of days slogging through tough stuff. I want to have us, in our minds, remember the things that we've done well together, which have been significant and many. At the start of this session all of us set out to enhance the quality of life in Maine. That's been our goal and we worked together well. We worked toward good government. We worked toward education, opportunity, economic growth and we did this in lots of ways. We built a bi-partisan budget. \$6.3 billion was a work of true collaboration. We answered the call for more efficient government, better access to quality education, and an improvement of Maine's quality of life with this bill. Approximately \$553 million is invested in higher education. The budget also includes \$1.2 billion for healthcare for Maine's poor families and the elderly. The largest portion of our budget is nearly \$2 billion to State subsidies to local schools. I think we have much to be proud of.

School consolidation, I know we did that a couple of weeks ago. As you know better than anybody else, this is an enormous piece of work and it has taken everybody's hard work, good

argument, and faith to come together enough to do those things. This is the most significant advance in our school restructuring, administration wise, in fifty years.

Before that, we put together a bi-partisan bond package of \$295 million. The transportation and environmental bonds went to referendum in June and were strongly approved by Maine people. I hope that Maine people see the wisdom that we did in the economic and cultural bonds in this coming November. The Regional Green House Gas Initiative, a major step forward for Maine and other partnering states in our region in the fight against climate change. The labor bill, to reduce unemployment taxes for business and increased workforce training opportunities, also repeals the social security offset on unemployment benefits. I had to include that because of my Labor Committee background. Those bills started out a long time ago in my head and in that committee six years ago. A step forward has taken place allowing Dirigo Choice to become self-insured. Today we passed domestic violence legislation. It's a very big deal. We won't know how big a deal because, hopefully, we'll prevent violence so no one will come up to us and say, 'Oh, you saved my life,' but we'll know. We put \$2 million in our budget to educate people around this state challenge that we have around domestic violence. We won't get thanked for that and that's okay. We know that we've saved people's lives. We even protected the public from dangerous dogs. There are lots of accomplishments. I'm too tired and you're too tired to remember them all. Those are the ones that came to the top of my head tonight.

I think the bigger one for me, well it started by the fact that my good colleague, the Senator from Waldo, Senator Weston, cast a unanimous vote for me to become Senate President and I appreciate that. We've had good fights and good conversations. We've worked together well to make this Body work together well. Again, that is not something that is recognized or appreciated, but it has taken every one of us to make that commitment to have those kinds of conversations in our committees and work together. Taxation, Criminal Justice, and everyone building those relationships that make it possible to do good things for Maine. I mostly want to thank you for the honor of being able to serve as your President. I'm proud to be a member of this Senate and I'm proud of your dedication.

Last night, I don't know about you, but as I drove home bleary eyed trying to make sure I didn't run into a deer or a moose or whatever else was out there, all I could think of, like it or not we're family. Sorry, this is us. We represent all the places in Maine; geographic places, cultural places, social places, places of religion, and places of everything. We're it and that's a big deal. It would be a heck of a lot easier to have a dictatorship. I've thought that, by the way, many times. I was thinking tonight that I don't really want to talk very because we are all exhausted. We should just let you go home, but after all I have a little clock up here and I have listened to you all talk quite a bit. I must confess, some more than others. I'm going to take this moment to talk to you about the fact that you're an important family to me. An important family. In two days I'm going to drive to visit my 92-year old mother who is another piece of my important family. I don't have children. I have one sister, one brother, one mom, one husband, you, and all my good friends at the library where I work. I don't think we can underestimate the importance of this family. I really mean that. I don't think we can underestimate the importance of this. Nowhere else in the world have nations been able to create something where you have this much disparity, this much difference of opinion, this much argument, this much

dissension, and we aren't fighting with one another with deadly force, anyway. It's a very big deal. I don't know about you but when I listen to the radio up and back in the mornings and hear that yet another bomb has gone off somewhere. People are being killed daily. I just have to thank our lucky stars that we've been able to create this nation and this state, where we're diverse. We're filled with diversity and we're making it work. It's not pretty, not easy, inefficient, wasteful sometimes, foolish often, but we're making it work.

When I was seventeen I went to Denmark and lived there for six months. It was 1969, I was eighteen. There was the war in Vietnam and there was lots of conversation. I lived with a family and there were young people in that family. They kept telling me how wonderful Denmark was because their police officers didn't have any guns. The implication was that I lived in a violent, horrible country and it would be so much better if I lived there. I finally looked around and said, 'Hey wait a minute, you all have blonde hair and blue eyes and you don't like the Italians.' You know, we figured out something in this country. It's important not to be underestimated. We are hugely different and we manage to make it work. That's true in this state, too.

I think the only other thing I want to say today is something that the Senator from Penobscot, Senator Schneider, said earlier today. I'm pooped, but every one of the staff in this building was here all night last night and all night many nights before, long after we've gone home. We owe them an enormous debt; not just for their labor but also for their minds, their ability to put together their thoughts that have brought us together, their suggestions, their underpinnings, their encouragement, their goodwill, and their good humor. This is hugely important. I particularly want to thank the Secretary of the Senate, Joy O'Brien. She is a rock upon which we all stand and I have nothing but respect for her. I hope you will join me in that vote. She doesn't do it alone. We have to remember all those people who are actually right there, Judi DeFranco. All those folks here. All the folks you don't see very often that work in the back. They are hugely important. I want to thank the Sergeant-At-Arms Bob Asselin. Where are you Bob? He's probably out working. Bob Asselin and the chamber staff. You know there is something about the decorum of this building, this room, and this place. It's maintained by the fact that his chamber staff helps me maintain this order and I want you to thank them as well. They're arriving as we speak.

I know that the folks in the Majority and Minority offices have kept us focused and are working even now to help us serve our constituents. There is non-partisan staff that you don't see now and I hope they're listening at the other end of this microphone. They're the folks that keep this place going. I want to extend my appreciation to Governor Baldacci and his staff and members of the executive branch for their responsiveness to the requests from the Legislature and their commitment to work with us in the best interest of Maine. I want to thank my able, able, able assistant leaders, Senate Majority Leader Libby Mitchell and Assistant Leader John Martin for your support, your friendship, and your assistance. I sort of said it jokingly before but it's been a total blessing to have two former Speakers of the House as my right hand people. I am very grateful for you thank-you.

I've been trying to think about how to talk about my own staff. I don't know how to start or stop. I have a great staff. One of them is sitting out there, not paying any attention at the moment. When I first became Senate President, Ed Pineau said to me, 'Who you are going to have as your Chief of Staff?' I said, 'I don't really know, I'm out of my league here, I think I like Rick

McCarthy.' He said, 'You couldn't pick a better person because Rick understands how to be loyal to this office and to you.' Ed wasn't wrong, I couldn't have picked a better person than Rick McCarthy. He is respected in his building. He's respected on the second floor. He's respected in the Fiscal Office. He's respected by minority offices and the majority offices. He has, absolutely, my respect, my love, and my deep appreciation for being the best right hand guy a person could have. Thank you. Then I had another brilliant move when I first became President. I had made friends when I was on the Labor Committee with my analyst. A wise move. Something you should do if you haven't already. I became good friends with my analyst. When I became Senate President, she agreed to come here as Policy Director. You all don't know, I don't think, what a debt we, as a Senate, owe to her. Deb Friedman worked tirelessly with all of us trying to figure out the best way to craft the school consolidation legislation, in particular. That's one piece. That was an enormous task. I just think we owe her a debt of gratitude for that. I owe her a debt of gratitude for being a very good friend. Thank you, Deb.

Then I have other members of my staff who you don't know so well, but you do know Marcia. I just think Marcia will be listening. She won't come out here. You know that anyone who walks in this place and comes in the Senate, the first person they see is Marcia. Marcia's face, Marcia's open willingness, as she says, her 'I'm curious about what they want' face. She who is open hearted to everyone here, everyone on the phone, and everyone who comes and asks for anything. That is a huge plus for us as a state because everybody who comes here knows they're welcome and that means a lot to us as Mainers. I'm not forgetting Tiffany, Roger, and Greg. You all don't know them so well. I hold them close in my heart as a piece of the team that has been an invaluable service to me and to you.

Okay, I'm going to cry a lot soon so we'll stop but I just want to thank you again for the privilege of being Senate President with you and figuring out together how to make things go well. The House is obviously late, as usual. They haven't brought us the amendment stuff we need so let's just go at ease for a little while and wait for the House to bring us the next piece of papers.

Senate at Ease.

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:

Mandate

An Act To Provide Information to Property Tax Payers
H.P. 837 L.D. 1144
(S "A" S-387 to C "A" H-570)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 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:

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08
H.P. 1307 L.D. 1875
(C "A" H-382; S "A" S-386)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 1 Senator having voted in the negative, and 26 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 Address an Inequity in the Judicial Retirement System
S.P. 574 L.D. 1630
(S "A" S-377 to C "A" S-295)

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

H.P. 1368 L.D. 1929
(S "A" S-378)

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:

Emergency Measure

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

S.P. 571 L.D. 1627
(S "A" S-388 to C "A" S-276)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 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:

Act

An Act To Amend the Election Laws
H.P. 1227 L.D. 1761
(S "D" S-389 to C "A" H-489)

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:

RECALLED FROM GOVERNOR'S DESK

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

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

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 739), in concurrence.)

On motion by Senator **DIAMOND** of Cumberland, 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, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1369

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 123rd Legislature.

Agriculture, Conservation and Forestry

S.P. 217, L.D. 680 - An Act To Increase Funding for the Spaying and Neutering of Companion Animals

H.P. 1159, L.D. 1650 - An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds

S.P. 591, L.D. 1684 - An Act To Create the Maine Agriculture Protection Act

S.P. 735, L.D. 1930 - Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

Agriculture, Conservation and Forestry and Inland Fisheries and Wildlife

H.P. 497, L.D. 648 - An Act To Maintain the Amount of State Land That Is Open for Hunting

Appropriations and Financial Affairs

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

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

H.P. 112, L.D. 120 - An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais

H.P. 157, L.D. 186 - An Act To Provide Funding to the St. Francis Water District for New Wells

H.P. 160, L.D. 189 - An Act To Invest in an Allied Health Center at Northern Maine Community College

H.P. 249, L.D. 305 - An Act To Increase the Availability of Cellular Telephone Service for Rural Residents

S.P. 96, L.D. 314 - An Act To Restore Funding for the Reading Recovery Program

H.P. 341, L.D. 425 - An Act Regarding the Accounting Procedure for Certain State Programs

H.P. 495, L.D. 646 - An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs

H.P. 542, L.D. 721 - An Act To Restore Support for HIV and AIDS Treatment and Prevention

H.P. 565, L.D. 744 - An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine

H.P. 598, L.D. 782 - An Act To Establish a New Method of Determining the State Budget

S.P. 242, L.D. 793 - An Act To Provide Essential Library Resources to All Maine Communities

S.P. 253, L.D. 804 - An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency

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

H.P. 700, L.D. 925 - An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities

H.P. 783, L.D. 1065 - Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers

S.P. 378, L.D. 1190 - An Act To Promote Economic Growth through Education for Androscoggin County

H.P. 896, L.D. 1268 - An Act To Fund the Nursing Education Loan Repayment Program and Fund

H.P. 998, L.D. 1424 - An Act Requiring Long-range Budget Planning

H.P. 1163, L.D. 1654 - An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds

S.P. 662, L.D. 1848 - An Act To Promote Sustainable Prosperity

H.P. 1291, L.D. 1852 - An Act To Provide Taxpayer Relief

Business, Research and Economic Development

H.P. 204, L.D. 270 - Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation

S.P. 239, L.D. 790 - An Act To Strengthen Rural Community Investment

H.P. 632, L.D. 833 - An Act To Support the Maine Patent Program

H.P. 756, L.D. 1038 - An Act To License Home Building and Improvement Contractors

H.P. 821, L.D. 1128 - An Act To Require Electronic Monitoring of Secondary Sales Transactions

S.P. 398, L.D. 1210 - An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles

S.P. 403, L.D. 1215 - An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine

Criminal Justice and Public Safety

H.P. 4, L.D. 3 - An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material

H.P. 66, L.D. 68 - An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

H.P. 69, L.D. 71 - An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases

H.P. 131, L.D. 149 - An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault

H.P. 191, L.D. 220 - An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault

H.P. 201, L.D. 239 - An Act To Provide a Felony Penalty for Assault on a Firefighter

S.P. 95, L.D. 280 - An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

S.P. 116, L.D. 372 - An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims

H.P. 339, L.D. 423 - An Act To Ensure the Safety of the Public and of Victims of Sexual Assault

H.P. 340, L.D. 424 - An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence

S.P. 147, L.D. 446 - An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

S.P. 266, L.D. 856 - An Act To Reduce Drunk Driving

H.P. 882, L.D. 1240 - An Act To Implement the Recommendations of the Criminal Law Advisory Commission

H.P. 883, L.D. 1241 - An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code

S.P. 535, L.D. 1512 - An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

S.P. 579, L.D. 1674 - An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws

S.P. 681, L.D. 1873 - An Act To Amend the Laws Governing Stalking

S.P. 691, L.D. 1897 - An Act To Allow Blended Sentencing for Certain Juveniles

H.P. 1336, L.D. 1902 - 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

Education and Cultural Affairs

H.P. 115, L.D. 123 - An Act To Establish a Labor Center within the University of Maine System

H.P. 167, L.D. 196 - An Act To Modify the Maine Learning Results System

S.P. 209, L.D. 672 - An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

H.P. 759, L.D. 1041 - An Act To Improve the Essential Programs and Services Funding Formula

H.P. 845, L.D. 1152 - An Act To Improve Public Education in Maine

H.P. 1000, L.D. 1426 - An Act To Enhance the Prekindergarten Experience for Maine Children

Health and Human Services

H.P. 321, L.D. 405 - An Act To Establish Necessary MaineCare Pharmacy Incentives

H.P. 397, L.D. 519 - An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens

H.P. 501, L.D. 652 - Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

S.P. 362, L.D. 1110 - An Act To Create the Maine Council on Poverty and Economic Security

H.P. 1092, L.D. 1567 - Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth

S.P. 594, L.D. 1687 - An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care

H.P. 1251, L.D. 1797 - An Act To Fund Maine's HealthInfoNet Program

S.P. 660, L.D. 1843 - An Act To Improve the Quality of Health Care in Maine

Inland Fisheries and Wildlife

H.P. 482, L.D. 633 - An Act To Improve Funding for the State Snowmobile Trail System

H.P. 503, L.D. 654 - An Act To Make License Requirements and Rules Consistent for Young Anglers

H.P. 1281, L.D. 1838 - An Act To Ensure Safety on Freshwater Ferry Vessels

Inland Fisheries and Wildlife and Agriculture, Conservation and Forestry

H.P. 1294, L.D. 1858 - An Act To Protect Inland Water Access

Insurance and Financial Services

H.P. 507, L.D. 658 - An Act To Protect the Health of Infants

H.P. 765, L.D. 1047 - An Act To Lower the Cost of Health Insurance

H.P. 790, L.D. 1072 - An Act To Establish a Single-payor Health Care System

H.P. 800, L.D. 1082 - An Act To Create a Maine-based Independent Nonprofit Health Insurance Company

S.P. 391, L.D. 1203 - An Act To Amend the Laws Respecting Assignments for the Benefit of Creditors

H.P. 912, L.D. 1294 - An Act To Establish a Health Care Bill of Rights

H.P. 1176, L.D. 1667 - An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention

H.P. 1226, L.D. 1760 - An Act To Restore Competition to Maine's Health Insurance Market

Judiciary

S.P. 11, L.D. 1 - An Act To Increase Reimbursement for Jury Duty

H.P. 297, L.D. 367 - An Act To Protect Emergency Room Personnel from Civil Liability

H.P. 360, L.D. 461 - An Act To Implement the Recommendations of the Human Trafficking Task Force

S.P. 156, L.D. 469 - An Act To Disseminate "Lessons Learned" from Medical Injury Claims

H.P. 390, L.D. 507 - An Act Recognizing Native American Religion in Maine Prisons and Jails

S.P. 200, L.D. 608 - An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases

S.P. 221, L.D. 684 - An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error

S.P. 267, L.D. 857 - Resolve, To Create A Medical Malpractice Study Group

H.P. 899, L.D. 1271 - An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties

S.P. 462, L.D. 1348 - An Act To Amend the Maine Tort Claims Act

S.P. 463, L.D. 1349 - Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver

S.P. 528, L.D. 1505 - An Act To Adopt the Revised Uniform Anatomical Gift Act

S.P. 547, L.D. 1524 - An Act To Increase Judicial Salaries

H.P. 1065, L.D. 1540 - An Act To Guarantee Free Speech in Privately Owned Public Gathering Places

S.P. 614, L.D. 1747 - An Act To Enact the Uniform Power of Attorney Act

S.P. 636, L.D. 1792 - An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations

S.P. 684, L.D. 1881 - An Act To Improve Transparency and Accountability in Government

H.P. 1361, L.D. 1923 - An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

Labor

H.P. 117, L.D. 125 - Resolve, To Expedite a Workers' Compensation Case

H.P. 241, L.D. 297 - Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System

H.P. 328, L.D. 412 - An Act To Clarify the Application of Prevailing Wage Requirements

H.P. 458, L.D. 591 - An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

H.P. 658, L.D. 869 - Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin

S.P. 349, L.D. 1032 - An Act To Improve Employment Opportunities for Persons with Disabilities in Maine

H.P. 778, L.D. 1060 - Resolve, To Study the State's Career Center Network and Create a Sustainable System

S.P. 424, L.D. 1223 - An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers

H.P. 903, L.D. 1275 - An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates

H.P. 954, L.D. 1345 - An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes

H.P. 1024, L.D. 1454 - An Act To Care for Working Families

S.P. 556, L.D. 1585 - An Act To Assist the Independent Medical Examiner Program for Workers' Compensation

S.P. 577, L.D. 1672 - An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers

S.P. 600, L.D. 1693 - An Act To Restore Equity to the Maine State Retirement System

S.P. 604, L.D. 1697 - An Act To Ensure Fair Wages

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

Legal and Veterans Affairs

H.P. 532, L.D. 701 - An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town

H.P. 843, L.D. 1150 - An Act To Establish Random Audits of Voting Machines

S.P. 481, L.D. 1393 - An Act Regarding Lobbyist Disclosure

S.P. 482, L.D. 1394 - An Act Regarding Campaign Finance Disclosure by Political Action Committees

S.P. 611, L.D. 1744 - An Act To Join the Interstate Compact on the National Popular Vote

H.P. 1253, L.D. 1799 - An Act To Establish Open Ballot Voting in Maine

H.P. 1311, L.D. 1879 - An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority

S.P. 729, L.D. 1924 - An Act To Implement the Recommendations of the Committee To Review the Taxation of Slot Machine Revenues, Created by Executive Order 33 Fiscal Year 2006-07

Marine Resources

S.P. 247, L.D. 798 - An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers

H.P. 1095, L.D. 1570 - An Act To Support Commercial Groundfishing

H.P. 1116, L.D. 1594 - An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps

Natural Resources

H.P. 610, L.D. 810 - An Act To Improve Solid Waste Management

S.P. 479, L.D. 1392 - An Act To Update the Dioxin Monitoring Program

State and Local Government

H.P. 1308, L.D. 1876 - Resolve, Regarding the Maine State Cultural Building in Augusta

H.P. 1310, L.D. 1878 - An Act To Generate Savings by Changing Public Notice Requirements

Taxation

H.P. 218, L.D. 262 - An Act To Amend the Credit for Rehabilitation of Historic Properties

S.P. 91, L.D. 276 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land

H.P. 279, L.D. 349 - An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use

H.P. 408, L.D. 530 - An Act To Encourage Open Space through Current Use Taxation of Open Space Land Set Aside for Long-term Protection from Development

H.P. 409, L.D. 531 - An Act To Improve the Method of Taxing Natural Gas for Highway Use

H.P. 421, L.D. 543 - Resolve, To Establish the Maine Tree Growth Tax Law Review Committee

H.P. 558, L.D. 737 - An Act To Promote Forest Management Planning and Certification

H.P. 604, L.D. 788 - An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund

H.P. 670, L.D. 885 - An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories

H.P. 721, L.D. 961 - An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities

S.P. 318, L.D. 1001 - An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers

H.P. 812, L.D. 1094 - An Act To Exempt from the Sales Tax Water Used in Agricultural Production

S.P. 361, L.D. 1109 - Resolve, To Establish a Study Commission To Reform Taxes and Spending in Maine

H.P. 848, L.D. 1155 - An Act To Include Fuel Economy when Calculating the Excise Tax on Motor Vehicles

S.P. 402, L.D. 1214 - An Act To Improve the Competitiveness of Maine's Boat Building Industry

H.P. 916, L.D. 1298 - An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades

H.P. 996, L.D. 1413 - An Act To Set Fees for Services for Tax-exempt Property in Municipalities

H.P. 1081, L.D. 1556 - An Act To Recouple Maine Estate Tax with Federal Estate Tax

H.P. 1107, L.D. 1582 - An Act Reduce Maine's Tax Burden over a 10-year Period

S.P. 555, L.D. 1584 - An Act To Authorize Arbitration of Property Tax Valuation Disputes

H.P. 1208, L.D. 1725 - An Act To Modernize the Alcohol Tax by Imposing It on a Per Drink Basis

H.P. 1239, L.D. 1772 - An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs

H.P. 1250, L.D. 1788 - An Act To Equalize Tax Filing Status

H.P. 1280, L.D. 1833 - An Act To Provide Property Tax and Income Tax Relief

Transportation

H.P. 7, L.D. 6 - Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295

H.P. 394, L.D. 511 - An Act To Study the Feasibility of Locating a New Bridge in the St. David Area

S.P. 191, L.D. 599 - An Act To Create an Airport Authority

H.P. 593, L.D. 775 - An Act To Create a Special License Plate To Support Breast Cancer Support Services

H.P. 1209, L.D. 1726 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund

S.P. 647, L.D. 1818 - An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way

Utilities and Energy

H.P. 314, L.D. 398 - An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities

S.P. 136, L.D. 435 - An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric Power Bills

H.P. 816, L.D. 1098 - An Act To Promote Electricity Transmission Independence

S.P. 351, L.D. 1099 - An Act To Encourage Wind Energy Development

S.P. 404, L.D. 1216 - Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation

S.P. 422, L.D. 1221 - An Act To Amend the Charter of the Kennebunk Light and Power District

S.P. 434, L.D. 1248 - An Act To Establish the Northern Maine Power Agency

H.P. 1351, L.D. 1918 - An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

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

Senator **WESTON**: Thank you, Madame President. As we near the final minutes of our time together in this First Session of the 123rd Legislature, I want to make sure I speak my words of thanks to our Madame President. Her door is always open and she is always ready to listen. That makes a huge difference in how we get work done here and how we are successful here. I want to thank her tonight for those opportunities for those talks and for those honest appraisals of many items.

Again I would add my words of thanks to all the staff and to the staff in our office. This was a brand new beginning for us as a staff family and it has proven to be a wonderful working family in our caucus. I know that those of us who have been here for a while and those who are new have grown to appreciate each and every one of them.

As we stay here at night some times I think the awe of this building is more penetrating and more real to us. In the day time there is this hustle bustle but at night when we have those quiet moments I think we begin to realize what our job is here and what our responsibilities are. As we worked together we accomplished some very good things. We proved Democracy's success through our work.

I also want to thank my neighbors. I would love just once to come to the rostrum and to say to the Senator from Aroostook, Senator Martin, that he was wrong about a parliamentary move but I have yet to be able to do that. I thank him for his council and we still have more work to do. We have time to come back. I'm sure we all look forward to that. If it is as successful as we have seen, we have something to look forward to.

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

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

Senator **BENOIT** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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 Secure Maine's Transportation Future
S.P. 634 L.D. 1790
(S "C" S-391 to C "A" S-308)

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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1370

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 123rd Legislature.

Taxation

S.P. 488, L.D. 1400 - An Act To Amend the Laws Governing the Taxation of Partnerships

S.P. 303, L.D. 952 - An Act To Reduce the Income Tax

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

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

At this point a message was received from the House of Representatives, borne by Representative PINGREE of North Haven informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

ORDERS

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

S.O. 15

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

READ and **PASSED**.

The Chair appointed the Senator from Aroostook, Senator **MARTIN** to deliver the message to the House. The Sergeant-At-Arms escorted the Senator to the House.

Subsequently, the Senator from Aroostook, Senator **MARTIN** reported that he had delivered the message with which he was charged.

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

ORDERS

On motion by Senator **MITCHELL** of Kennebec, the following Senate Order:

S.O. 16

ORDERED, that a message be sent to Governor John E. Baldacci informing him that the Senate is ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **MITCHELL** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Kennebec, Senator **MITCHELL** reported that she had delivered the message with which she was charged.

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

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

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate.

GOVERNOR BALDACCI: I've served in the State Senate for 12 years and I've been Governor now for almost 5 years and I've got to tell you that you have done a terrific job and I really appreciate it. I've had the best Senate President that I've ever had to work with and I just want to thank you very much for making her the Senate President. She does a great job.

As a matter of fact, I never gave you the State of the State address, so I figured tonight would be the night to sit back and

relax and kind of get my time in, you know. I was saying to people that I've been in the State Senate for 12 years, I've served in Congress for 8 years, and I've been Governor for 4 years going on 5 years. We've tried to tackle an awful lot of issues. I have to say that we have accomplished a lot in this first year of this session. I was just going over the issues and I'm just amazed at what you've been able to do. You've been able to do it in overwhelmingly bi-partisan fashion. I've really enjoyed working with you. Karl Turner and I are going to go on a road show pretty soon over the State of Maine and we're going to go into your districts and going to help you. Some of you may consider that not very helpful, but Karl and I are committed to that campaign effort. I've enjoyed the work that's happened. It's been such a rewarding experience. I really do believe that good things happen when both parties work together. I do appreciate being able to reach across the aisle and to be able to do a budget that makes the kind of structural changes, especially in the administration of education, that we haven't done for over 50 years. To be able to go in and look at the management of Medicaid and the oversight and accountability that needs to be there and to make some significant changes. That's 80% of our budget. To be able to set things into motion to make sure that we're preserving and protecting our natural resources and addressing the harmful emissions of greenhouse gases and to be able to do it with overwhelmingly bi-partisan support. The bond package that we produced in this legislature, that you all worked on together, which was overwhelmingly approved by the people and the highway funding bill that you just dealt with now and the work that we've been able to do together. I think the great thing about this state is that, though we come from different regions and we represent different parties, like many families we have our disagreements in the State House but we feel very strongly about the State of Maine as a whole and we want to do every thing we can do to make it better. That's the commitment that each one of you carry. I am very proud about the accomplishments that you've been able to work on and develop. I know that there have been issues that we haven't been able to finally resolve. That's what we are going to do tomorrow. We're going to take a little bit of a break, going to be able to enjoy our families and the beautiful Maine summer that we will have, and we're going to continue to do the work that needs to be done in healthcare and tax reform.

Don't forget the work that you've done. I was just looking at some of it. You've created a two-year budget that makes the most significant reforms in K-12 education in more than 50 years. It imposes new spending discipline upon State Government and invests in innovation and higher education. With the bond package, the investments in roads and bridges, you have been able to protect the State's special places and help grow private sector sustainable jobs. Thanks to your efforts we've got one of the toughest predatory lending laws in the country. We just recently reduced the unemployment tax burden on Maine businesses by over \$70 million in tax relief. You've created a national model to protect the health of people serving in the National Guard. You've been able to establish a self-administered program so that Dirigo Choice will have the option to be self-insured and move to give us more flexibility to improve the program and restrain costs. You've been able to expand access to healthcare coverage for parents with children up to the age of 25 years old, which is a major expansion. Our success is a product of our ability to work together. I know that there is a lot of work that still needs to be done.

The Tax Committee this year, under the leadership of Joe Perry and the Committee representatives, undertook an enormous task and its members did it with great creativity and openness. Working diligently through the entire session, the committee developed a reform plan that moved beyond the debate to the furthest that most people thought that would never be done before. It's a difficult and complicated issue with consequences for our entire economy. It affects every business and family in Maine. We have to make sure that we get it right. I'm committed to working with legislative leaders going forward to advance tax reform and tax relief. My goal is to develop a plan, like the groundbreaking plan that we put forward in the budget and bond package, that will gain broad support. In consultation with the legislature experts and interests on all sides, we will examine the taxes Maine people and visitors pay. We will consider more ways to streamline government at all levels. Our discussion must include both changes the tax code and reducing spending. We must also make sure that the spending caps that we have in place at the State, county, and municipal level have the teeth to make them effective. Before January I will develop a Governor's bill to reduce the tax burden on Mainers, improve our tax laws, and continue to restructure government and reduce administration at all levels and in all areas. We will do more to take our case to the people, making sure that we bi-pass the special interests and engage the public interests. I appreciate the work of the Taxation Committee. Its members have done a tremendous job. Their efforts, and the efforts of many lawmakers who supported their work, will be the foundations of our discussions moving forward.

Like taxes, our work on healthcare is not complete. We took some big strides this session. Healthcare reform still needs more attention. My pledge is to work with the legislature to achieve our goal of making Maine the healthiest state in the nation. Our goals will be to increase the number of people who have health insurance and implement market reforms so that we can stimulate private competition and hold down insurance costs while expanding universal access. If we continue to work together I know that we can do it.

Let me just say that I am very proud of the work that you have done. You've worked hard. You've done great things for Maine and for all of our futures. I want to say thank you and God bless you and God bless the State of Maine. Thank you very much.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

Off Record Remarks

On motion by Senator **SAVAGE** of Knox, the Honorable **BETH G. EDMONDS**, President of the Senate, declared the First Regular Session of the 123rd Legislature, **ADJOURNED SINE DIE** at 10:34 in the evening.