

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

Daily Edition

Second Regular Session  
January 2, 2008 to March 31, 2008

Pages 1320 - 1759

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

In Senate Chamber  
Monday  
March 10, 2008

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

Prayer by Reverend Martha Hoverson of North Parish  
Congregational Church in Sanford.

**REVEREND HOVERSON:** Let us be in the spirit of prayer  
together. Gracious Creator, we lift our hearts and minds to You  
this morning as we begin the work of the day. You have given us  
gifts of thought and feeling. Guide us as we employ them in  
doing the tasks assigned to us. You are patient and forgiving with  
us. Help us to draw on that divine source of love in our human  
interactions, for by our very nature we disagree with one another.  
By our very nature we seek victory in our efforts. Help us to find  
the capacity to care both for ourselves and others and to create in  
ourselves lives that show also a respect for You as the source of  
all goodness. Where we see only roadblocks, help us to envision  
new routes. Where we see only barriers, help us to open the  
way. In this state of Maine we face challenges, but we also  
recognize great gifts of natural beauty and wonder. To care for  
this state and people living here is a great responsibility. Help us  
to remember why are we are called together and to make our  
aims and intentions as high as they can possibly be. Open our  
eyes to see that way we pray. Amen.

Pledge of Allegiance led by Senator Lynn Bromley of Cumberland  
County.

Reading of the Journal of Thursday, March 6, 2008.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Charter of the Kennebunk Light and  
Power District"

S.P. 422 L.D. 1221  
(C "A" S-412)

In Senate, February 28, 2008, **PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-412).**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-412) AS  
AMENDED BY HOUSE AMENDMENTS "A" (H-713) AND "B"  
(H-714) thereto, in NON-CONCURRENCE.**

Senator **BARTLETT** of Cumberland 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#291)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN,  
BROMLEY, COURTNEY, DAMON, DIAMOND,  
HOBBINS, MARRACHE, MARTIN, MILLS,  
MITCHELL, NASS, NUTTING, RAYE, ROTUNDO,  
SAVAGE, SCHNEIDER, SHERMAN, SULLIVAN,  
THE PRESIDENT - BETH G. EDMONDS

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

ABSENT: Senators: BRYANT, HASTINGS, PERRY,  
STRIMLING

21 Senators having voted in the affirmative and 10 Senators  
having voted in the negative, with 4 Senators being absent, the  
motion by Senator **BARTLETT** of Cumberland to **RECEDE** and  
**CONCUR**, **PREVAILED**.

Non-Concurrent Matter

Bill "An Act To Amend the Laws Regarding School Funding"  
(EMERGENCY)

S.P. 741 L.D. 1932  
(S "D" S-419 to C "A" S-410;  
S "B" S-420; S "C" S-430)

In Senate, February 25, 2008, **PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS  
AMENDED BY SENATE AMENDMENT "D" (S-419) thereto,  
AND SENATE AMENDMENTS "B" (S-420) AND "C" (S-430).**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS  
AMENDED BY HOUSE AMENDMENTS "E" (H-717) AND "F"  
(H-718) thereto, AND HOUSE AMENDMENT "E" (H-719), in  
NON-CONCURRENCE.**

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

---

**House Papers**

Bill "An Act Concerning Traffic Safety Cameras"  
H.P. 1605 L.D. 2244

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

---

**Pursuant to Public Law  
Joint Standing Committee on Natural Resources**

The **Joint Standing Committee on Natural Resources**, pursuant to Public Law, chapter 65, section 2 asked leave to report that the accompanying Bill "An Act To Protect Lake Water Quality"

H.P. 1610 L.D. 2249

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

---

**Joint Order**

The following Joint Order:

H.P. 1611

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 312 by adding at the end a new paragraph to read:

All fiscal notes must be based on information presented at the public hearing on the bill or resolve. If the Office of Fiscal and Program Review uses additional information to develop the fiscal note, then the office shall provide that additional information, including the identity of any person from whom the information was obtained, to the joint standing committee that heard the bill or resolve. The joint standing committee shall communicate such additional information to the sponsor of the bill or resolve and make reasonable efforts to provide this information to any interested party.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

**READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE**, in **NON-CONCURRENCE**.

---

**COMMUNICATIONS**

The Following Communication: S.P. 875

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 6, 2008

Sen. Bruce S. Bryant  
Senate Chair, Joint Standing Committee on Inland Fisheries and Wildlife  
Rep. Troy Dale Jackson  
House Chair, Joint Standing Committee on Inland Fisheries and Wildlife  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bryant and Representative Jackson:

Please be advised that Governor John E. Baldacci has nominated Leo Kieffer of Caribou for reappointment and Cathy DeMerchant of Vassalboro for appointment to the Inland Fisheries & Wildlife Advisory Council.

Pursuant to Title 12 M.R.S.A. §10151 (1), these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

---

The Following Communication: S.P. 876

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 6, 2008

Sen. Peter B. Bowman  
Senate Chair, Joint Standing Committee on Education and  
Cultural Affairs  
Rep. Jacqueline R. Norton  
House Chair, Joint Standing Committee on Education and  
Cultural Affairs  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated  
the following to the Maine Maritime Academy, Board of Trustees:

Robert Walker of Marco Island, Florida for reappointment  
Robert Somerville of Spring, Texas for appointment  
Marian Morgan of Cape Elizabeth for appointment  
William Walsh of North Hampton, New Hampshire for  
appointment

Pursuant to Public Law 1975, Chapter 771 §428, these  
nominations will require review by the Joint Standing Committee  
on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **EDUCATION AND  
CULTURAL AFFAIRS**.

Sent down for concurrence.

---

The Following Communication: S.P. 877

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 6, 2008

Sen. Peter B. Bowman  
Senate Chair, Joint Standing Committee on Education and  
Cultural Affairs  
Rep. Jacqueline R. Norton  
House Chair, Joint Standing Committee on Education and  
Cultural Affairs  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated  
George Isaacson of Brunswick for appointment to the Maine  
Public Broadcasting System Board of Trustees.

Pursuant to Public Law 1997, Chapter 599, this nomination will  
require review by the Joint Standing Committee on Education and  
Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **EDUCATION AND  
CULTURAL AFFAIRS**.

Sent down for concurrence.

---

The Following Communication: S.P. 878

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 7, 2008

Sen. Lisa T. Marrache'  
Senate Chair, Joint Standing Committee on Legal and Veterans  
Affairs  
Rep. John L. Patrick  
House Chair, Joint Standing Committee on Legal and Veterans  
Affairs  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Marrache' and Representative Patrick:

Please be advised that Governor John E. Baldacci has nominated  
James Dearman of Orono for reappointment to the State Liquor  
and Lottery Commission.

Pursuant to Title 5 M.R.S.A. §283-A, this nomination will require  
review by the Joint Standing Committee on Legal and Veterans  
Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **LEGAL AND  
VETERANS AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 879

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 7, 2008

Sen. Lisa T. Marrache'  
Senate Chair, Joint Standing Committee on Legal and Veterans  
Affairs  
Rep. John L. Patrick  
House Chair, Joint Standing Committee on Legal and Veterans  
Affairs  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Marrache' and Representative Patrick:

Please be advised that Governor John E. Baldacci has nominated  
the following to the Gambling Control Board:

George W. McHale of Orrington for reappointment  
Peter W. Danton of Saco for reappointment  
Richard Arnold of Belgrade for appointment

Pursuant to Title 8 M.R.S.A. §1002, these nominations will require  
review by the Joint Standing Committee on Legal and Veterans  
Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **LEGAL AND  
VETERANS AFFAIRS.**

Sent down for concurrence.

---

The Following Communication: S.P. 880

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 7, 2008

Sen. Lynn Bromley  
Senate Chair, Joint Standing Committee on Business, Research  
and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on Business, Research  
and Economic Development  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated  
the following to the Washington County Development Authority:

Elmer Harmon of Dennysville for reappointment  
Janet Toth of Jonesboro for reappointment  
Shirley Erickson of Machiasport of reappointment  
Brent Hartford of Milbridge for appointment  
Barbara Drisko of Columbia Falls for appointment  
Harold Prescott Sr. of East Machias for appointment

Pursuant to Title 5 M.R.S.A. §13083-C, these nominations will  
require review by the Joint Standing Committee on Business,  
Research and Economic Development and confirmation by the  
Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **BUSINESS,  
RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

---

The Following Communication: S.P. 881

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 7, 2008

Sen. Lynn Bromley  
Senate Chair, Joint Standing Committee on Business, Research  
and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on Business, Research  
and Economic Development  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated  
Sheryl Gregory of Litchfield for reappointment and Nikki McLean  
of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, these nominations will  
require review by the Joint Standing Committee on Business,  
Research and Economic Development and confirmation by the  
Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **BUSINESS,  
RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

---

The Following Communication: S.P. 882

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 7, 2008

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated  
Jeff Thaler of Yarmouth for reappointment and Ray B. Owen of  
Orono for appointment to the Land For Maine's Future Board.

Pursuant to Title 5 M.R.S.A. §6204, these nominations will require  
review by the Joint Standing Committee on Agriculture,  
Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **AGRICULTURE,  
CONSERVATION AND FORESTRY**.

Sent down for concurrence.

---

The Following Communication: S.P. 883

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

March 7, 2008

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated  
the following to the Maine Milk Commission:

Colon E. Durrell of Farmington for reappointment  
John M. Joseph, Jr. of Hallowell for reappointment  
Richard A. Cook of Hermon for appointment

Pursuant to Title 7 M.R.S.A. §2952, these nominations will require  
review by the Joint Standing Committee on Agriculture,  
Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ and REFERRED** to the Committee on **AGRICULTURE,  
CONSERVATION AND FORESTRY**.

Sent down for concurrence.

---

The Following Communication: S.C. 659

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

March 4, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the 123rd Maine Legislature, the Joint Standing Committee  
on Natural Resources has had under consideration the  
nomination of Charles F. Beck of Presque Isle, for reappointment  
to the Outdoor Heritage Fund Board.

LEGISLATIVE RECORD - SENATE, MONDAY, MARCH 10, 2008

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

YEAS	Senators	3	Martin of Aroostook, Bartlett of Cumberland, Smith of Piscataquis
	Representatives	9	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Ayotte of Caswell, Babbidge of Kennebunk, Duchesne of Hudson, Eberle of South Portland, Hamper of Oxford, McDonough of Scarborough, Wagner of Lewiston
NAYS		0	
ABSENT		1	Rep. Miramant of Camden

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles F. Beck of Presque Isle, for reappointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/John L. Martin  
Senate Chair

S/Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

---

The Following Communication: S.C. 660

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

March 4, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Thomas A. Urquhart of Falmouth, for appointment to the Outdoor Heritage Fund Board.

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

YEAS	Senators	3	Martin of Aroostook, Bartlett of Cumberland, Smith of Piscataquis
	Representatives	9	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Ayotte of Caswell, Babbidge of Kennebunk, Duchesne of Hudson, Eberle of South Portland, Hamper of Oxford, McDonough of Scarborough, Wagner of Lewiston
NAYS		0	
ABSENT		1	Rep. Miramant of Camden

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas A. Urquhart of Falmouth, for appointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/John L. Martin  
Senate Chair

S/Theodore Koffman  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

---

The Following Communication: S.C. 661

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 6, 2008



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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Heather Collins of Orrs Island, for appointment to the Midcoast Regional Redevelopment Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	8	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Cleary of Houlton, MacDonald of Boothbay, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Prescott of Topsham

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Heather Collins of Orrs Island, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Lynn Bromley  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

---

The Following Communication: S.C. 662

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 6, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Honorable John G. Richardson, Jr. of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority.

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

YEAS	Senators	1	Courtney of York
	Representatives	10	Smith of Monmouth, Austin of Gray, Beaudette of Biddeford, Beaulieu of Auburn, Cleary of Houlton, MacDonald of Boothbay, Prescott of Topsham, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		2	Sen. Bromley of Cumberland, Sen. Schneider of Penobscot

NAYS 0

ABSENT 2 Sen. Bromley of Cumberland, Sen. Schneider of Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable John G. Richardson, Jr. of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Lynn Bromley  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 663

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 6, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Beth A. Nagusky of Litchfield, for appointment to the Midcoast Regional Redevelopment Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	8	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Cleary of Houlton, MacDonald of Boothbay, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Prescott of Topsham

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Beth A. Nagusky of Litchfield, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Lynn Bromley  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 664

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 6, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Gary L. Brown of Topsham, for appointment to the Midcoast Regional Redevelopment Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	8	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Cleary of Houlton, MacDonald of Boothbay, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Prescott of Topsham

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gary L. Brown of Topsham, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Lynn Bromley  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**  
on Bill "An Act Regarding the Sale of Firearms to Minors"  
H.P. 1435 L.D. 2051

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-695).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**  
**COMMITTEE AMENDMENT "A" (H-695).**

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

**READ ONCE.**

Committee Amendment "A" (H-695) **READ** and **ADOPTED**, in  
concurrence.

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

---

The Committee on **INSURANCE AND FINANCIAL SERVICES**  
on Bill "An Act To Clarify the Laws Governing the Extension of  
Health Care Coverage to Dependents"  
H.P. 1450 L.D. 2066

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-710).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**  
**COMMITTEE AMENDMENT "A" (H-710).**

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

**READ ONCE.**

Committee Amendment "A" (H-710) **READ** and **ADOPTED**, in  
concurrence.

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

---

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on  
Bill "An Act To Decrease Energy Costs on Swans Island and  
Frenchboro" (EMERGENCY)

H.P. 1425 L.D. 2041

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-708).**

Signed:

Senators:

BARTLETT of Cumberland  
SMITH of Piscataquis  
HOBBINS of York

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
ADAMS of Portland  
FITTS of Pittsfield  
BERRY of Bowdoinham  
HINCK of Portland  
BLISS of South Portland  
BLANCHARD of Old Town

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

Signed:

Representatives:

THIBODEAU of Winterport  
CURTIS of Madison

Comes from the House with the Majority **OUGHT TO PASS AS**  
**AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED**  
**TO BE ENGROSSED AS AMENDED BY COMMITTEE**  
**AMENDMENT "A" (H-708).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-708) **READ** and **ADOPTED**, in  
concurrence.

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

**Senate**

**Ought to Pass As Amended**

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Reduce Drunk Driving"  
S.P. 266 L.D. 856

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-446)**.

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

**READ ONCE**.

Committee Amendment "A" (S-446) **READ** and **ADOPTED**.

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

---

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment" (EMERGENCY)

S.P. 844 L.D. 2193

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-445)**.

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

**READ ONCE**.

Committee Amendment "A" (S-445) **READ** and **ADOPTED**.

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

---

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Include the Town of Nobleboro within the Service Area of the Great Salt Bay Sanitary District"  
S.P. 747 L.D. 1936

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-444)**.

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

**READ ONCE**.

Committee Amendment "A" (S-444) **READ** and **ADOPTED**.

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

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

---

**SECOND READERS**

The Committee on **Bills in the Second Reading** reported the following:

**House**

Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 1536 L.D. 2162

Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

H.P. 1564 L.D. 2194

Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. (EMERGENCY)

H.P. 1578 L.D. 2211

Bill "An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service"

H.P. 1599 L.D. 2238

Bill "An Act To Extend the ConnectME Authority"

H.P. 1607 L.D. 2246

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

---

**House As Amended**

Bill "An Act To Provide a Rebate for Clean Energy Geothermal Heating Units"

H.P. 1376 L.D. 1942  
(C "A" H-706)

Bill "An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules"

H.P. 1406 L.D. 2022  
(C "A" H-701)

Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error (EMERGENCY)

H.P. 1410 L.D. 2026  
(C "A" H-702)

Bill "An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters" (EMERGENCY)

H.P. 1467 L.D. 2081  
(C "A" H-704)

Bill "An Act To Amend the Public Works Contractors' Surety Bond Law of 1971"

H.P. 1478 L.D. 2092  
(C "A" H-696)

Bill "An Act Relating to Insurance Coverage for Colorectal Cancer Early Detection"

H.P. 1495 L.D. 2109  
(C "A" H-697)

Bill "An Act To Implement the Recommendations of the Committee To Study the Prison Industries Program" (EMERGENCY)

H.P. 1499 L.D. 2113  
(C "A" H-705)

Resolve, Regarding Legislative Review of Portions of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1521 L.D. 2141  
(C "A" H-693)

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

---

**Senate**

Bill "An Act To Amend the Informed Growth Act"

S.P. 756 L.D. 1962

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

Sent down for concurrence.

---

**Senate As Amended**

Bill "An Act To Amend the Provisions for All-terrain Vehicles" S.P. 773 L.D. 1979  
(C "A" S-443)

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

Sent down for concurrence.

---

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

---

**ENACTORS**

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

**Emergency Measure**

An Act To Assist Distressed Businesses Organized as Limited Liability Companies

H.P. 1374 L.D. 1940  
(C "A" H-685)

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

---

**Emergency Measure**

An Act To Clarify the Election of Municipal Charter Commission Members

S.P. 762 L.D. 1968  
(C "A" S-426)

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

---

**Emergency Measure**

An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program

H.P. 1445 L.D. 2061  
(C "A" H-691)

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

---

**Emergency Measure**

An Act To Amend the Law Governing Antlerless Deer Permits

H.P. 1522 L.D. 2142  
(C "A" H-687)

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

---

**Acts**

An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection

H.P. 1382 L.D. 1946  
(C "A" H-692)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009

S.P. 808 L.D. 2118  
(C "A" S-428)

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

---

An Act To Implement the Recommendations of the Human Trafficking Task Force

H.P. 360 L.D. 461  
(C "B" H-686)

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

---

An Act To Strengthen the Crime of Visual Sexual Aggression against a Child

H.P. 1465 L.D. 2079  
(C "A" H-690)

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

---

**Resolve**

Resolve, Regarding the Maine State Cultural Building in Augusta

H.P. 1308 L.D. 1876  
(C "B" H-669)

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

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Executive Department, State Planning Office**

The **Executive Department, State Planning Office**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office (EMERGENCY) H.P. 1612 L.D. 2250

Be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) H.P. 1615 L.D. 2252

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Department of Audit**

The **Department of Audit**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2008-09 and To Require Notation of Tax Enhancement Programs Approved by the County Commissioners" (EMERGENCY)

H.P. 1613 L.D. 2251

Be **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

---

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

---

Senate at Ease.

Senate called to order by the President.

---

Off Record Remarks

---

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

---

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

---

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

---

On motion by Senator **MITCHELL** of Kennebec,  
**RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

---

**ORDERS OF THE DAY**

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

NOMINATION - of Charles F. Beck of Presque Isle for reappointment to the Outdoor Heritage Fund Board

Tabled - March 10, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 10, 2008, Communication (S.C. 659) from the Committee on **NATURAL RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#292)**

YEAS: Senators: None

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

ABSENT: Senator: HASTINGS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles F. Beck** of Presque Isle for reappointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

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

---

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

Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

S.P. 741 L.D. 1932  
(S "D" S-419 to C "A" S-410;  
S "B" S-420; S "C" S-430)

Tabled - March 10, 2008, by Senator **BOWMAN** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, February 25, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** thereto, **AND SENATE AMENDMENTS "B" (S-420) AND "C" (S-430).**)

(In House, March 6, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY HOUSE AMENDMENTS "E" (H-717) AND "F" (H-718)** thereto, **AND HOUSE AMENDMENT "E" (H-719), in NON-CONCURRENCE.**)

On motion by Senator **BOWMAN** of York, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (S-410) as Amended.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Senate Amendment "D" (S-419) to Committee Amendment "A" (S-410) and **INDEFINITELY POSTPONED** same.

House Amendment "E" (H-717) to Committee Amendment "A" (S-410) **READ** and **ADOPTED**, in concurrence.

House Amendment "F" (H-718) to Committee Amendment "A" (S-410) **READ**.

Senator **BOWMAN** of York moved to **INDEFINITELY POSTPONE** House Amendment "F" (H-718) to Committee Amendment "A" (S-410), 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 PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I rise not in support of this indefinite postponement. This actually is almost a rerun of something that I presented in this Chamber earlier. As we know, some of the school areas, especially the rural areas, have nowhere to go and some aren't even donut holes. This was Representative Carter's amendment and I do support this amendment. It would allow those school units that are having a problem to opt-out. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Senator **BOWMAN** of York to Indefinitely Postpone House Amendment "F" (H-718) to Committee Amendment "A" (S-410). 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 (#293)

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

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

ABSENT: Senator: HASTINGS

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BOWMAN** of York to **INDEFINITELY POSTPONE** House Amendment "F" (H-718) to Committee Amendment "A" (S-410), in **NON-CONCURRENCE, FAILED**.

House Amendment "F" (H-718) to Committee Amendment "A" (S-410) **ADOPTED**, in concurrence.

Committee Amendment "A" (S-410) as Amended by House Amendments "E" (H-717) and "F" (H-718) thereto, **ADOPTED**, in concurrence.

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

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



**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to 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 (#294)**

YEAS: Senators: BRYANT, DAMON, DIAMOND, NUTTING, PLOWMAN, RAYE, SAVAGE, SCHNEIDER, SHERMAN, STRIMLING

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, COURTNEY, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: HASTINGS

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Aroostook to **CONCUR, FAILED**.

---

Senate at Ease.

Senate called to order by the President.

---

On motion by Senator **MILLS** of Somerset, the Senate **RECONSIDER** whereby it **FAILED** to **CONCUR**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby it **RECEDED**.

On further motion by same Senator, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

---

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

NOMINATION - of Thomas A. Urquhart of Falmouth for appointment to the Outdoor Heritage Fund Board

Tabled - March 10, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 10, 2008, Communication (S.C. 660) from the Committee on **NATURAL RESOURCES, READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#295)**

YEAS: Senators: None

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

ABSENT: Senator: HASTINGS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas A. Urquhart** of Falmouth for appointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

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

---

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

NOMINATION - of Heather Collins of Orrs Island, for appointment to the Midcoast Regional Redevelopment Authority

Tabled - March 10, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 10, 2008, Communication (S.C. 661) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#296)**

YEAS: Senators: None

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

ABSENT: Senator: HASTINGS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Heather Collins** of Orrs Island, for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

---

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

NOMINATION - of the Honorable John G. Richardson, Jr. of Brunswick for appointment to the Midcoast Regional Redevelopment Authority

Tabled - March 10, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 10, 2008, Communication (S.C. 662) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, READ and ORDERED PLACED ON FILE.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#297)**

YEAS: Senators: None

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

ABSENT: Senator: BROMLEY, HASTINGS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **John G. Richardson, Jr.** of Brunswick for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

---

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

NOMINATION - of Beth A. Nagusky of Litchfield, for appointment to the Midcoast Regional Redevelopment Authority

Tabled - March 10, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 10, 2008, Communication (S.C. 663) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, READ and ORDERED PLACED ON FILE.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"  
In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123<sup>rd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#298)**

YEAS: Senators: None

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

ABSENT: Senator: HASTINGS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Beth A. Nagusky** of Litchfield for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

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

ABSENT: Senator: HASTINGS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Gary L. Brown** of Topsham for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1614

**JOINT RESOLUTION RECOGNIZING CUMBERLAND COUNTY BUILDING COMMUNITY DAY AT THE STATE HOUSE**

WHEREAS, county government is the largest territorial division for local government within the United States; and

WHEREAS, Cumberland County in Maine was established in 1760 for the purpose of providing essential public services and was described in 1886 by *A Gazetteer of the State of Maine* as "situated in the south-western part of the state, and on the north-east of York County, Oxford County bounds it on the west; Oxford, Androscoggin, Sagadahoc on the north; and on the east lies the sea"; and

WHEREAS, today Cumberland County is one of the most populated counties in Maine, and it retains extraordinary geographic diversity in twenty-eight cities and towns from Casco Bay to the mountains of western Maine; and

WHEREAS, the people of Cumberland County are among the most ethnically and culturally diverse in the State and together form a vibrant and talented community; and

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

NOMINATION - of Gary L. Brown of Topsham for appointment to the Midcoast Regional Redevelopment Authority

Tabled - March 10, 2008, by Senator **MARTIN** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 10, 2008, Communication (S.C. 663) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, READ and ORDERED PLACED ON FILE.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#299)**

YEAS: Senators: None

WHEREAS, Cumberland County's traditional industries, such as fishing, agriculture, farming and manufacturing, have been joined by others, such as manufacturers of semiconductors and biotechnical, financial and medical services; and

WHEREAS, Cumberland County benefits from an outstanding array of educational resources, including Andover College, Bowdoin College, Maine College of Art, St. Joseph's College, Southern Maine Community College, the University of New England and the University of Southern Maine; and

WHEREAS, Cumberland County's citizens value the contributions of community and regional organizations such as the Cumberland County Soil & Water Conservation District, Portland Public Library, Southern Maine Emergency Medical Services, University of Maine Cooperative Extension in Cumberland County, Threshold To Maine Resource Conservation and Development Area and Greater Portland Council of Governments; and

WHEREAS, Cumberland County's citizens appreciate the outstanding leadership of the county's twenty-eight cities and towns, along with that of our state legislative delegation and the many state agencies with which county officials interact on a daily basis; and

WHEREAS, Cumberland County's elected and appointed officials have dedicated themselves to seeking new forms of partnerships with governmental and nongovernmental organizations for the purpose of increasing the cost-effectiveness, quality and efficiency of county services for its citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, take this occasion to declare that March 11, 2008 is "Cumberland County Building Community Day" at the Maine State House, in order to recognize the efforts of Cumberland County government and the municipalities and various community partners of the county to forge new alliances for the purpose of improving government at all levels for our citizens.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

---

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

## REPORTS OF COMMITTEES

### House

#### Pursuant to Resolve

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Certified Professional Midwives"

H.P. 1616 L.D. 2253

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, pursuant to Resolve, chapter 115.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

---

## ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/4/08) Assigned matter:

HOUSE REPORTS - from the Committees on **INLAND FISHERIES AND WILDLIFE AND AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Inland Water Access"

H.P. 1294 L.D. 1858

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-689)** (13 members)

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

Tabled - March 4, 2008, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 28, 2008, 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-689)**.)

(In Senate, March 4, 2008, Reports **READ**.)

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

---

The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Join the Interstate Compact on the National Popular Vote"

S.P. 611 L.D. 1744

Majority - **Ought to Pass** (7 members)

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

Tabled - March 4, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report

(In Senate, March 4, 2008, Reports **READ**.)

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I rise to oppose the motion on the floor. If you will bear with me I'm going to talk for a few minutes. It's not what I usually do, but I'm going to.

This bill is an effort to get around the Electoral College, which is part of our Constitution. It doesn't say Electoral College. It says, 'The President shall be elected by the electors of the state.' It leaves the states the option of deciding how the electors will be assigned after the popular vote in the state. Our electors are now pledged as votes for the person who wins the most votes in the state of Maine. Right now those votes are pledged one way in our statute, as allowed. This bill seeks to pledge our votes to an interstate compact. The interstate compact would be based on getting other states to join and pledge their electors to the person who wins the national popular vote. There have been 500 or more tries to amend the Electoral College out of the Constitution. Since they don't seem to be successful, this has been the next way of trying to get our electors pledged.

I'd like to give you a scenario of what might happen as this goes forward. In the next election we will have John McCain representing the Republican ticket and either Senator Clinton or Senator Obama representing the Democratic ticket. Maine could conceivably have its votes come out in favor of the Democrat nominee but yet Maine's elector votes would be pledged to Senator John McCain should he win the national popular vote. If you feel comfortable joining in an interstate compact where Maine's electors will be decided by what other states have done, then you will probably want to join this. If you want to be able to say to the people of the state of Maine 'Our electors are pledged like you voted,' then you want to turn this down.

We do have a very unique system. We have four votes, two that go at-large and one assigned to each Congressional district. That one vote up in the air has gotten us attention in the past. You might as well have named this the 'Small State Irrelevancy Act'. Maine will eventually become totally irrelevant in this process. We are already on the edge. If you look at spending by candidate, we are still above zero. In the last election there were many states that had no dollars spent in their states. I don't think that you want to make Maine irrelevant in the Presidential elections. We have a very unique system that benefits us and we could very well turn to a system where we become not just irrelevant but the equivalent of faithless electors. Faithless electors are the people who are voted in as electors to vote the way your state did and who cast a vote differently. It's only happened a half-a-dozen times. Senator Muskie called for public hearings on it in 1969 because he felt so strongly that people who are committed by their state, and show up to vote differently than their state requested, should not be encouraged and they should not be allowed to set an example. Don't turn Maine's four electoral votes into faithless electors by having them cast a vote that did not match Maine's wishes. Thank you very much.

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

Senator **STRIMLING:** Thank you, Madame President. I rise in support of the motion. If you want to talk about Maine's irrelevancy in the Presidential election just look at the last two elections. How many times did the Presidential candidates, who were the nominees of the two Parties, come to Maine in those two elections after their nominating conventions? Zero. They don't come here because there isn't enough weight, because we don't have enough delegates for them to care. If you want to give us some relevance then have our votes count the same as California's votes. Right now our votes don't. Slowly but surely this country is moving away from this delegate, disconnected, let's not consider what the populace actually thinks about whom we ought to elect President system. Slowly we're moving away from that, thankfully, to a place where we are going to have a direct election. Imagine the people of this country having every vote count. Having one person, one vote, electing our President. Imagine that. Right now that is not what we have. Our Presidential candidates go to those places where there are the most electoral votes. We know red and blue. We know the Presidential election comes down to pretty much Ohio, at this point that is what they are talking about, for next fall. That's the only state that's in swing. What this does is says that every vote counts the same. That means Maine's votes will count the same as the rest of the country. Every vote counts the same. That means if they want to come here and try to move 10,000 or 20,000 votes in their direction those votes will help them elsewhere around the country. Not just in those places where there is a swing state going on, because they could still lose a certain state but if they gain more votes it helps in the total.

We saw in our last two Presidential elections how absurd it was. George Bush in 2004 won the popular vote by 3.5 million votes. He won the popular vote by 3.5 million yet we weren't sure whether he was the President until 24 hours later when John Kerry said he was not going to contest Ohio. How was that? Democracy. We saw in 2000 that Al Gore won the popular vote by 1/2 million votes but we didn't know who actually was our President for another month and a half because it came down to a mere 537 people in Florida. How absurd is that? The populist gets it. The issue is that we should be directly electing our President. Every vote should count equally. My vote, a Californian's vote, a Georgian's vote, or Louisianan's vote. Anybody's vote should count equally. Why should we set up a system where we disconnect people from that vote and we say we have states that are just meaningless? Come on, folks. Maine has no relevance in Presidential elections any more. We have four. How do we compete with Ohio, with California, with Florida, and these places that have dozens and dozens of delegates? We have no relevance. If we shift to this system we are the same as every other state. Every person who votes in this room and across Maine will have their vote count the same. Of course we should be electing our President based on popular vote.

It makes no sense to have a President who is not elected by a majority of the people of this country. That makes no sense. You try to explain that to anybody and they are, 'What? The person who was elected didn't get the majority vote?' Nobody in here would accept that. Nobody here would be willing to give their seat up to somebody who didn't get the majority vote. Of course not. You win by one vote, you win. That's how it works on our local level. It's how it works for our Governor. It's how it works for Congress. For some reason we've decided we want

this different system for the Presidency. Thankfully, about a half-a-dozen states have already joined this. A half-a-dozen states have started to recognize this. There are big populous states. A lot more to lose than the state of Maine. A lot more. They have said that direct democracy is really what we should be doing in the United States of America. Direct democracy says every vote counts. Our Supreme Court says one person, one vote. Our city councils are elected that way. Our state Representatives, Senators, Governor, and Congress people, everybody, gets elected by one person with one vote. That is what the Supreme Court has said but somehow we decided the President of the United States couldn't be that way. Therefore places like Maine are completely irrelevant to this process. Completely.

Let's throw that system out. Let's start now and move to a popular vote. Let's join these other states across the nation who have become part of this, who are more and more every year becoming a part of this, recognizing every vote should count in America and every vote should count in Maine. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. First I'd like to acknowledge the eloquence of the previous speaker. Very eloquent indeed. I am troubled by a couple of things, however, that were said. I do think you will find that in the previous two Presidential elections at least one of the candidates was in the state during that time campaigning. I think that was probably driven by the fact that we split our electoral votes somewhat differently. It was not a winner take all. It is two at-large plus one for each Congressional district. I think you will find that President Bush was in the state as were surrogates for the President and Senator Kerry when he was running in 2004.

It is true that we elect the President differently. We do it through the Electoral College. There is a mechanism to change that. It's called the Constitutional Convention. As the Senator from Penobscot, Senator Plowman, pointed out earlier to this Chamber, it's been tried multiple times and always comes up short. I can't begin to tell you whether or not apportioning our votes in the Electoral College to an interstate compact will withstand scrutiny, but I will bet you dinner at the best restaurant in Portland that the Supreme Court would yet again intercede in the election of a President should this become law and the compact is in a position to cast 271 electoral votes. I can't remember what the exact amount is.

For these reasons I would urge you to vote against the motion before us. Thank you, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. A little history, I think, becomes important as to why we are in this quandary today. Keep in mind when the Constitution became effective, after the Constitutional Convention in Philadelphia, we had 13 states. Those 55 men who went to Philadelphia to draft the Constitution, all of them were fairly rich, except for one who happened to be a farmer. He happened to be a Martin, from Maryland. They had one thing in mind. That was to prevent the masses from voting. That was a very tough issue for them to decide. Remember there were slaves, bonded

individuals, women, and people without property who were not going to be allowed to vote. Those that would be allowed to vote would be chosen and decided by each state. Specifically also the Electoral College members, who would end up choosing the President, were not to be elected by the people. Neither were, of course, the Senators of the United States. Over time, obviously, in 1912 the Congress finally passed a Constitutional amendment that gave states the right to directly elect the United States Senators, which became effective in 1913. They couldn't change the Electoral College but managed to change how members would be chosen and left that up to the states. As to whether or not we can move in this direction is entirely up to each individual state. As a matter of fact, Maine and Nebraska now can allocate, and does allocate, its electoral votes based on who wins the Congressional seats. I was part of the sponsorship of that legislation with the former Senator Bennett Katz. That was to see if the diversity could be adjusted. Two seats would be given to who ever carried the state, the two Senators, and then one for each Congressional district. We became the first state to do that. Nebraska followed suit. We can choose to do whatever we want to because the method of doing the selection for the Electoral College is left to the individual states. Initially the electors were elected by the State Legislatures. That has changed over time.

What this proposal says is, 'Why don't we make a compact,' which is allowed under the law. That would be that each state would allocate its membership based on once you had a majority of the Electoral College potentially elected then this would take effect. Then you would get to the point where the Senator from Cumberland, Senator Turner, was pointing out, everyone would have one vote. Twelve of the smaller states in this country are ignored in Presidential elections because they don't matter. They do not matter because if you take a look at the map of the United States, and allocate where the electoral votes are today, all you need to do is get to 270. It's a lot easier to spend your money where your potential of getting those votes is greater. Really pretty simple. We have 11 million people in those states that are in many ways disenfranchised. It's that simple. This provides for every person to have one vote.

I think in the long run, at some point, the American public is going to react to the fact that we've elected minority Presidents in our past despite the fact that there are only two candidates at some point running. I think that this is a process that can be used that would guarantee every person a vote in the election of a President. I would urge you to adopt the Majority Report.

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

Senator **SULLIVAN:** Thank you, Madame President. May I pose a question through the Chair to anyone who cares to answer?

**THE PRESIDENT:** The Senator may pose her question.

Senator **SULLIVAN:** Thank you, Madame President. In the past few years, several decades, the Americans have sent people to other nations as they have tried to set up their democracy to emulate our democracy. I was just curious, in our design to set up a model government, do we ask other countries to set up an Electoral College or do we expect other countries' new fledgling Democracies to vote direct vote for their President, their Premier, or whomever is going to lead them? My question would be, if it is true that we set up the popular vote and we're willing to spend our

money, our time, and in many cases sending our soldiers to war, I'm curious if our way is the perfect way and why we do not insist on others? I'd like a little history class. I hear there are several willing to give it. Hopefully they will be able to answer my question. Thank you.

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

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I think the good Senator has answered the question by her question.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I originally signed onto this bill. I thought it was a good idea at first until I looked at another recent history lesson that I hadn't forgotten about but had slipped my mind. Also to answer the question from the Senator from York, Senator Sullivan, when we set up a democracy around the world we don't always set them up as a Republic with 50 independent states like ours that have elected bodies. The recent history I want to refer to goes back eight years ago. Fortunately, because I ran my own company and I was the boss, I could do what I wanted to after the election. I had a TV in my office. I watched the biggest history lesson I ever learned for eight weeks after that election. I watched a lot of things. I watched how the press manipulates stories. I watched a lot of things take place. There is one thing I finally realized in the final outcome. If we did not have an Electoral College not only would we have had the chaos of three counties in Florida being counted but we would have had that chaos reproduced in every single county in the entire country because only the popular vote would have counted. You would have had to recount everywhere, not just three counties in Florida. You would have had to count the counties in Florida that could have increased the margin for President Bush at the time. You would have had to recount the votes in every single state, in every county, and in every municipality. It took eight weeks or so to do those three counties and get it settled. What would have happened with the type of chaos of trying to do it nationwide and all the lawsuits that could have resulted in all the separate areas? That's why, remembering that important history lesson that I learned, I finally realized that I had goofed and changed my mind. I do not support this bill for that reason. Thank you.

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

Senator **NUTTING:** Thank you, Madame President and ladies and gentlemen of the Senate. I'll be very brief. I'm going to be supporting the Majority Report. I think one point that hasn't been discussed so far in this fascinating debate is the fact that this compact that we're considering now doesn't go forward nationally until a critical mass, 270 worth of delegates, joins. Even if we enact this now, nothing happens until enough states join the

process. That gives me more comfort with it. We really should be consistent. One vote, one person should be for everyone elected. Not just everybody but the President. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. This has been a very interesting exercise this morning and I appreciate it. I would like to respond to the question. The last few democracies that we have set up have been based on not just democracy but also the concept of a republic. That's the part that comes in here. Our Senators are not representing us based on population. That was intended by the Constitution. I will tell you that the Iraq Constitution sets up a Parliament and the Parliament is sort of running as the Electoral Commission. I think that as we go forward we have allowed the countries to make their own decisions and they will make their own decisions just as we did when we set this up. We are not a pure democracy. We were never meant to be a pure democracy because the people who set this up knew a lot more about governments that had failed before and pure democracies had a very short life. They studied the classics, the studies our children don't get any more, and they went round and round. By the way, I'm glad to know that the Martins are way more prosperous now than they were back in the old days. That's good. I would tell you that there is a federalist aspect to this that was meant to preserve our government a lot longer than the typical democracy lasted. That was to answer the question.

If the electors cannot be changed by garnering two-thirds in a Constitutional Convention then you have to wonder why the people haven't risen up and said enough is enough. I would prefer to see this come through as a Constitutional Amendment. Others states have actually asked their legislators to send this out to referendum so they have a choice in deciding whether their electors will be pledged to a compact or if they want their electors to be pledged as their state votes. By not asking the citizens what they think we should do, and telling them that we're going to sit here and make the decision for them, it seems a little bit disingenuous to me that you can offer the argument that we know what's best for them. That's what the drafters of the Constitution wanted to convey to us, that we don't want to tip things on their head. A couple of times the formula hasn't worked. As we know, Maine is very well ahead of the pack on making law because a couple of times things didn't go right. I hesitate to make faithless electors out of the four people. If you want to gain some ground and you want to gain some power, grow the state of Maine so that we don't lose our electors. We're down to four. In twenty years we'll be down to three. You want to be irrelevant? Keep doing what you are doing. You want to become relevant? Get people to come here. We used to have nine. We used to have seventeen. We've driven people from the state of Maine to grow those other states so they become relevant and we've become irrelevant. I will take you back, in 2000 President Bush was here in Bangor. Senator Lieberman was here, all over the state. This was not an irrelevant state because they could see a tie coming up and Maine had one up for grabs. You won't see them coming to Maine, I guarantee you, because as part of the compact they even need us to vote for them to get our votes. Talk about becoming irrelevant. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. There has been talk that the debate in this Chamber doesn't matter, that votes don't get changed on the floor. I will say I came in today with some skepticism about this bill, but this discussion has been very useful. It has solidified me in favor of the Majority Report. I was sitting here listening to the speeches. I remember back to 2000. I was in law school. I spent a lot of time in between classes checking out CNN and the internet to follow what clearly was a debacle taking place in Florida. The entire election rested on a few hundred hanging chads, the outcome of butterfly ballots, and most appallingly, the determinations of state courts, and ultimately the United States Supreme Court, to resolve an election. At the time, I argued that what we ought to be doing was not recounting a few counties in Florida but recounting the whole state of Florida. That would be the truest way to see what the will of the voters was. Now, if that situation happened again, and it was the popular vote that determined it, we might well see recounts around the country. If the Presidential race is in doubt, the course of history hangs in the balance. I would rather spend my eight weeks recounting every single state to make sure we got the popular will reflected in our Presidential choice than be fighting in court about hanging chads and butterfly ballots. For that reason, I will be supporting the Majority Report.

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

Senator **BRYANT:** Thank you, Madame President and ladies and gentlemen of the Senate. I just rise today to add one piece to the debate that hasn't been talked about earlier. Although all the Senators have done a good job, one piece that brought me to the bill is that I think this bill changes the debate because the debate won't be, 'What can you do for California or what can you do for a certain state?' It will lay the groundwork out so that the Presidential candidates will have to say, 'What are you doing for the people?' They will have to broaden their scope and they won't be able to just pinpoint two or three states and just work those states. They will have to have a message that will help all the people. That's why I'm in favor of the bill.

**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'm not able to emulate the Senator from Lincoln, Senator Dow, who does math for breakfast, but I can do simple division. Right at the moment, Maine's vote count in the Electoral College is just about three-quarters of 1% of the total for the United States. If, however, only our popular vote counted, our percentage of influence, if you will, or impact would be down to a little over 0.04%. Because we are small, and we have two Senators and two House members, our actual impact on the outcome is not quite twice what we might be entitled to in a popular vote context. While it might be ultraistic in a Democracy for us to relinquish this voting power that we have, nevertheless, because of the way the Constitution was created in order to get it passed, small states like Maine were given certain privileges. By passing this provision and joining a compact, we would be diluting the voting power of Maine's citizens by not quite half. Even if we

were to lose a House member in the future, as some people say is our destiny, we would still have a voting power advantage over the average that prevails in the rest of the United States by hanging onto the Electoral College. I suspect that is the reason why this measure that lays before us popular with the very large states because I can't see any good reason why it would be popular with the small.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Maybe I'm the only one in the room, I'm not sure, but I had the privilege of calling to order and overseeing two of Maine's Electoral College's process and procedure, the actual event where Maine selected our College delegates. I did that twice. Believe me, that is an experience. I say that because it causes me to come at this from a little different angle. The tradition involved in that process of electing our own participants in this Electoral College is absolutely chilling. It gave me goosebumps. I don't mind telling you. It was just one of those things that has been going on in this state since 1820 and you really cherish that moment you are able to participate in it. Then I listened to today's debate, as well as it was done and as articulate as it was by everybody, and I was searching for a reason to change that cherished tradition. Some people think I just don't like change. It's true. That maybe true, but the real driving force to me was to look for a compelling reason to change our tradition on this Electoral College as we have it now. Listening as hard as I may, and trying to seek a reason to do that, to change what I think really is something we need to be very careful about changing, I find no compelling reason to do it. For that reason, I will not be supporting this Majority Report.

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

Senator **SHERMAN:** Thank you, Madame President. There is a phrase here and I'd like to lay that out. I'd like to associate myself with the remarks from the Senator from Cumberland, Senator Diamond. Just a couple of observations as we're going through this exercise, because essentially that is what it is. We've had a whole series of minority Presidents. That just didn't start the day before yesterday. If you read anything about Abraham Lincoln and the Civil War times, he got 1.2 million votes. The two people that were opposed to him got over 2 million votes. That was with only 25 states around. I don't think you'd want to change that. The other thing is that this, to me, is a serious question. I'm going to ponder it. We're talking about fairness, one man with one vote, or one woman with one vote, however you want to phrase that these days. The issue of super delegates that apparently can go to the convention on both sides and decide who they want to support. Some newspaper commentators would have some umbrage at that taking place. Once we pick someone there maybe a disproportionate number of super delegates. It might happen this fall. I wish someone could explain to me why, in picking the nominee in the first place, we give inordinate votes, if you will, to the so-called super delegates?

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



Senator **MARTIN**: Thank you, Madame President and members of the Senate. Let me start with the comment from the Junior Senator from Aroostook, Senator Sherman. First of all, the issue of party elections is an issue that is left to the National Committees. That is why Senator McCain, all of a sudden, has such an overwhelming majority. One vote makes the difference and winner take all. The Democratic Party has been far more representative than the Republican Party in allowing others to carry votes with them. Therefore, that is why there is such diversity on the other side. In fact, if there wasn't it's probably possible that Senator Clinton would be the nominee because small states are the ones voting for Senator Obama. Wyoming, for example, which just happened this week. That's another story for another day. Let me just point out to you a little bit of history, perhaps, for some who tend to disregard history. The Constitution of the United States says, 'Each state shall appoint in such manner as the Legislature thereof may direct a number of electors.' The truth be known, when the forefathers went back to the thirteen states, actually twelve because Rhode Island could have cared less about the others and they even left the Constitutional Convention and refused to sign on for a while, there were only two states, as I remember and I maybe wrong here, that had a winner-take-all in the Electoral College. Today 48 of the 50 states have a winner-take-all except for Maine and Nebraska. The point being is that each state can decide what it wants to do with its electors. The Constitution makes it clear. The reason they did that is because they couldn't agree as to who the voters would be. That's why they went to that method.

I do want to leave a comment to the good Senator from Lincoln, Senator Dow, in terms of what happens around the country. Having been one who has worked for the State Department in countries where the United States has been participating in creating democracies, they have actually created systems like the United States where you have a Presidential system as opposed to a Parliamentary system that you have in Iraq, for example. You can't compare Iraq to anything like what the United States has been promoting. We have been promoting democracies in a Presidential system with states, and even sub-states, within each country. You can go to Benin, Nigeria, or any of those countries where I've been. That's the system that we've been participating in. You'd be shocked to learn that I act as an advisor to the creation of democracy. I believe that this system we have in our country today is a system that was created in 1789 as the first Presidential election took place, which in my opinion doesn't work any more today.

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

Senator **STRIMLING**: Thank you, Madame President. I rise again just to reiterate that the essence of this debate is about making sure that every vote gets counted equally. Right now we have a system with a problem. You can do that math as to whether it's 3/4 of a point or 1/2 a point or 1-1/2 point as to what our influence may or may not be. That's the problem with our system currently. Every vote should be counted equally. That's what this does. I'm going to try to address my good colleague from Cumberland, Senator Diamond, who sees great tradition in what occurs today and why perhaps there should be some change. I did notice he changed a few of his light bulbs at his house to fluorescent bulbs, so he's moving forward in that direction. Hopefully I can convince him that there needs to be

change now because we are a different democracy than we were when we started. Tradition is very important, but as my colleague from Penobscot, Senator Plowman, said when we started we were a fragile democracy. We needed some protections in place to make sure that we protected that fragile democracy. We are 225 or 235 years later at this point and that democracy is no longer fragile. That's why this Body no longer elects U.S. Senators. We used to put U.S. Senators into place. We don't do it any more even though that was our tradition and even though that was part of our fragile democracy. We moved to direct democracy and we're doing it all across the country. In the city of Portland we used to elect everybody at-large to the City Council and we realized that was not direct democracy. We moved away from that because the Supreme Court ruled one person, one vote is essential to democracy, to people feeling empowered or feeling in control of their government. This is really the last vestige of protecting an old system that really is elitist, that disconnects the populace from our President in a way that they should not be. The person who is most in charge of our country, who is supposed to reflect what the direction is that we want, should be elected by us directly. That's why that tradition, which certainly is important and has protected us for 220 or 230 plus years, no longer needs to be in place. We are stronger than that now, Madame President. We are a democracy that has been here. We are an example for the world in many ways. Let's show them that direct democracy really is the best way to survive in the long term and to make sure your government is representative of everyone.

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

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. My good colleague would suggest that this new system is going to effect, or be available, for all of the people but the compact becomes effective when 270 electoral votes are available. That's only half the country. The other half of the country, under this system, apparently is going to be doing something else. That's hardly a system that I want to support. Thank you.

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

Senator **TURNER**: Thank you, Madame President. I promise to be brief. When you are not sure what you say next you repeat what you said earlier. I would remind all the members of the Chamber that if you want to change the Constitution our founding fathers put a mechanism in place to do that. The right way to change this is to use the procedures that are available to us rather than trying to circumvent it with this interstate compact. Again, I would urge you to vote against the pending motion. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Marraché to Accept the Majority Ought 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 (#300)**

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

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

ABSENT: Senator: HASTINGS

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report, **FAILED**.

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I urge you to vote for the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#301)**

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

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

ABSENT: Senator: HASTINGS

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

---

Senate at Ease.

Senate called to order by the President.

---

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

---

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

---

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

---

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

---

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Thursday, March 13, 2008, at 10:00 in the morning.