

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature
State of Maine

Daily Edition

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

In Senate Chamber
Friday
March 28, 2008

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

Prayer by Senator Nancy B. Sullivan of York County.

SENATOR SULLIVAN: Thank you, Madame President. Each morning when I come to the Senate I go by a marquis and I usually read it, and sometimes I say to myself, 'What silly messages.' There was one that said, 'Love is not a feeling, it's an ability.' I thought that was pretty hokey but I found that I have been thinking about that. It has stayed with me, so I would say that the marquis has done its job. Love is not a feeling, it is an ability. Be with us in prayer.

Heavenly Father, Mother, Holy Spirit, God, we come before You this morning somewhat tired and drained. Our patience is waning. We are too quick to anger. We have stopped listening and truly hearing others and we have too often lost our temper and sense of humor. I ask for this Senator, and for this Body, help us to re-energize and to reawaken the wonder of a child on Christmas morning as we participate in this form of democracy help us to work to provide a safety net for the poor, the mentally ill, the elderly and the physically disabled. Help us to proudly serve the people of Maine and to serve You. Lord, we ask your blessings, not only for us and our work, but also for our loved ones. Unfortunately, they have too often been the recipients of that anger and lost patience. While we put in many hours, and even longer waits, it is they who have done double duty to keep our homes and families working and together. Finally, God, grant us the strength to continue the next three weeks and, yes, the courage to do so. Let us never forget Your unconditional love for us, and likewise may we show love for others. We ask You to help us honor others' beliefs and opinions. We ask you also God to grant us wisdom. So many requests, but we believe in miracles, and we know that You grant them often. Shalom. Amen.

Reading of the Journal of Thursday, March 27, 2008.

Off Record Remarks

THE PRESIDENT: The Chair would ask the Senator from Aroostook, Senator Martin, to come forward to the well of the Senate. Today we are very pleased to be able to present the Legislative Memorial Scholarship awards. I think what we would like to do today is ask each person, as their name is mentioned,

to come forward and to bring their Senator with them to receive the award that we have for you.

From Franklin County, Shem Dixon who is currently attending Bowdoin College. Shem is accompanied by his father, Scott Dixon. Shem is a resident of Avon and is escorted by Senator Walter Gooley of Franklin County. Please come forward.

From Oxford County, Robert Ripley who attends the University of Maine at Farmington. Robert is accompanied by his parents, Charleen and Robert and his brother Jesse. Robert is a resident of South Paris and is escorted by Senator David Hastings of Oxford County.

From Penobscot County, Jayme L. Cram who is currently attending Eastern Maine Community College. She is accompanied by her parents, Janet and Bob Cram. Jayme is a resident of Medway and is escorted by Senator Douglas Smith of Penobscot County.

From Piscataquis County, Hannah Breton who is attending the University of Maine at Orono. She is accompanied by her parents, Melanie and Paul Breton and her sister Rica. Hannah is a resident of Greenville and is escorted by Senator Douglas Smith of Piscataquis County.

From Waldo County, Joshua Roberts who is attending the Maine Maritime Academy. Joshua is unable to be here today. Accepting for Joshua is his brother Damiene, who is accompanied by their parents James and Paula Roberts and grandmother Linda Roberts. Joshua is a resident of Belmont and is escorted by Senator Carol Weston of Waldo County.

From Washington County, Kayley Walker who is a student at the New England School of Communications. Kayley is accompanied by members of her family: Carmen Blackstone, Rock Alley, Carlee Feeney, Allen Blackstone and Bridget Blackstone. Kayley is a resident of Jonesport and is escorted by Senator Kevin Raye of Washington County.

From York County, Dara Siegl who is attending the York County Community College and is a resident of South Berwick and is escorted by Senator Peter Bowman of York County.

The Chair will remind members that there are other students from each county who have received a similar scholarship but they couldn't be here today for various and sundry reasons, so I think we should rise and show our appreciation to these young people and their incredible good work, as well as their families.

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

COMMUNICATIONS

The Following Communication: S.C. 717

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

March 26, 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 Education and Cultural Affairs has had under consideration the nomination of William J. Walsh of North Hampton, New Hampshire, for appointment to the Maine Maritime Academy, Board of Trustees.

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	Senator	1	Bowman of York
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Sutherland of Chapman
NAYS		0	
ABSENT		4	Sen. Mills of Somerset, Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Strang Burgess of Cumberland

Nine 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 William J. Walsh of North Hampton, New Hampshire, for appointment to the Maine Maritime Academy, Board of Trustees, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#346)

YEAS: Senators: None

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

ABSENT: Senators: SHERMAN, TURNER

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **William J. Walsh** of North Hampton, New Hampshire, for appointment to the Maine Maritime Academy, Board of Trustees, was **CONFIRMED**.

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

The Following Communication: S.C. 718

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

March 26, 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 Education and Cultural Affairs has had under consideration the nomination of David W. King of Limestone, for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

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	Senator	1	Bowman of York
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Sutherland of Chapman
NAYS		0	
ABSENT		4	Sen. Mills of Somerset, Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Strang Burgess of Cumberland

Nine 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 David W. King of Limestone, for reappointment to the Maine School of Science and Mathematics, Board of Trustees, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#347)

YEAS: Senators: None

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

ABSENT: Senators: SHERMAN, TURNER

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **David W. King** of Limestone for reappointment to the Maine School of Science and Mathematics, Board of Trustees, was **CONFIRMED**.

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

The Following Communication: S.C. 719

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

March 26, 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 Education and Cultural Affairs has had under consideration the nomination of Michael L. Edgecomb of Spruce Head, for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

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	Bowman of York, Mills of Somerset
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Sutherland of Chapman
NAYS		0	
ABSENT		3	Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Strang Burgess of Cumberland

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 Michael L. Edgecomb of Spruce Head, for reappointment to the Maine School of Science and Mathematics, Board of Trustees, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#348)

YEAS: Senators: None

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

Senator: TURNER

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 **Michael L. Edgecomb** of Spruce Head for reappointment to the Maine School of Science and Mathematics, Board of Trustees, was **CONFIRMED**.

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

The Following Communication: S.C. 720

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

March 26, 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 Education and Cultural Affairs has had under consideration the nomination of Dr. Walter A. Specht of Topsham, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

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	Senator	1	Bowman of York
	Representatives	8	Norton of Bangor, Edgecomb of Caribou, Farrington of Gorham, Finch of Fairfield, Harlow of Portland, Makas of Lewiston, McFadden of Dennysville, Sutherland of Chapman
NAYS		0	
ABSENT		4	Sen. Mills of Somerset, Sen. Mitchell of Kennebec, Rep. Muse of Fryeburg, Rep. Strang Burgess of Cumberland

Nine 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 Dr. Walter A. Specht of Topsham, for appointment to the Maine School of Science and Mathematics, Board of Trustees, be confirmed.

Signed,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#349)

YEAS: Senators: None

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

Senator: TURNER

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 **Dr. Walter A. Specht** of Topsham for appointment to the Maine School of Science and Mathematics, Board of Trustees, was **CONFIRMED**.

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

SENATE PAPERS

Pursuant to Resolve

Joint Standing Committee on Agriculture, Conservation and Forestry

Senator SHERMAN for the **Joint Standing Committee on Agriculture, Conservation and Forestry**, pursuant to Resolve, chapter 139, section 4 asked leave to report that the accompanying Bill "An Act Regarding the Regulation of Agricultural Composting Operations"

S.P. 909 L.D. 2284

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Report **READ**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1516 L.D. 2136

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-763)**.

Signed:

Representatives:

MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
EDGEComb of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-764)**.

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
SUTHERLAND of Chapman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763) AS AMENDED BY HOUSE AMENDMENT "A" (H-808)** thereto.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report, in concurrence.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill
"An Act To Facilitate the Timely Reopening of Closed Clam Flats"
H.P. 1422 L.D. 2038

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-741).**

Signed:

Senators:

DAMON of Hancock
DOW of Lincoln
SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough
EATON of Sullivan
FLETCHER of Winslow
MacDONALD of Boothbay
McDONOUGH of Scarborough
EMERY of Cutler

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "B" (H-742).**

Signed:

Representatives:

RICHARDSON of Warren
PERCY of Phippsburg
MAZUREK of Rockland
ADAMS of Portland

Comes from the House with the Majority **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-741)** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-741).**

Reports **READ.**

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the
Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "B" (H-742)** Report, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in
Today's Session, pending the motion by same Senator to
ACCEPT the Minority **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "B" (H-742)** Report, in **NON-
CONCURRENCE.**

The Majority of the Committee on **MARINE RESOURCES** on Bill
"An Act To Make Clam Flat Status Notification More Efficient,
Cost-effective and Economically Beneficial to the Shellfish
Industry"

H.P. 1508 L.D. 2129

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-727).**

Signed:

Senators:

DAMON of Hancock
DOW of Lincoln
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
PENDLETON of Scarborough
EATON of Sullivan
FLETCHER of Winslow
McDONOUGH of Scarborough
MAZUREK of Rockland
EMERY of Cutler

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "B" (H-728).**

Signed:

Representatives:

PERCY of Phippsburg
ADAMS of Portland

Comes from the House with the Minority **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "B" (H-728)** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"B" (H-728) AS AMENDED BY HOUSE AMENDMENT "A" (H-
789)** thereto.

Reports **READ.**

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the
Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "B" (H-728)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in
Today's Session, pending the motion by same Senator to
ACCEPT the Minority **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "B" (H-728)** Report, in concurrence.

Senate

Divided Report

Ought to Pass As Amended

Senator **PERRY** for the Committee on **TAXATION** on Bill "An Act
Concerning Technical Changes to the Tax Laws"
S.P. 823 L.D. 2154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-508)**.

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

READ ONCE.

Committee Amendment "A" (S-508) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Restore Diadromous Fish in the St. Croix River" (EMERGENCY)

S.P. 751 L.D. 1957

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-505)**.

Signed:

Senators:

DAMON of Hancock

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

PENDLETON of Scarborough

EATON of Sullivan

FLETCHER of Winslow

MacDONALD of Boothbay

McDONOUGH of Scarborough

PERCY of Phippsburg

MAZUREK of Rockland

EMERY of Cutler

ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-506)**.

Signed:

Senator:

DOW of Lincoln

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505)** Report.

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

Senator **DOW:** Thank you, Madame President. I intend to support Committee Amendment "A", but I would like to speak on the subject before I do. This bill had a lot of science information entered into the testimony. A tremendous amount as a matter of fact, and I don't claim to be a scientist. All I claim to be is a science teacher and you know what they say about teachers, if you can't be what you want to be, teach it. The extent of my expertise, I guess, is in analyzing data. In that I claim to have some knowledge. We had a lot of historical data presented about alewives in this one particular river, and it was quite interesting. We had a lot of science introduced about alewives in any river, which to me was interesting. What you ought to know about the history of this particular river is there was a great deal of varying testimony and we were trying to look at an ancient historical perspective on this river to determine if alewives had ever been in this particular river before in history. There were a lot of misquotes at times because sometimes historical meant looking back 30 years and 30 years ago there were, by count, around 2.5 million alewives in this river. The reason is though because a whole series of dams on the river allowed for fish passages. As a matter of fact, because this river is on the border, half of the dams are controlled by Canadians and half are controlled by us. On the particular dam in question, a particular falls in question, should we revert back to historical records we would probably be out of line because the Canadians took care of that falls for us by blasting a hole through the ledge. It didn't work the first time so they did it twice. Now there is a definite fish passage through there. We never did particularly find out for sure because the records don't exist on the ancient history and whether there were any alewives up there. That's what we really don't know. Somebody found 17 bones up at a campsite up the river somewhere, which could have easily been carried up and eaten up there, but we don't know. We do know that in the 1800's there were hundreds of thousands of alewives up through there, but there were dams there. There were always a series of dams that seemed to be the helping point for the fish, and fish ladders. We don't know for sure whether this particular river had alewives in it. We don't know that for sure. What we do know is that in recent history there were a lot of alewives and that may or may not have created some major problems. We need to talk about not the ecology of the area in 1500 or 1000 or 1000 B.C., we need to take a look at the more recent ecology that is 200 to 300 years old to come up with some ideas about how we want to approach this subject. The fact of the matter is there have been dams on this river for a long time and that has changed the ecology. When we introduced alewives into that river by opening the fish passages back in the 1980's, and the alewives population grew to over two and a half million, there seemed to be a problem in one of the lakes. The bass population there completely disappeared, or almost disappeared, and it has affected the ecology of that particular lake.

Now, some of the scientists argued that it was the alewives that caused the problem. Others argued that the lake was drained down nine and half feet that year, exposing the bass hatchery beds and that caused them to die off. The point is there has been a lot of inexact science and history and it's really hard to put a finger on what is going on. As a matter of fact, if you want to go back in history, the lake in question didn't even exist. Here's the problem. Here's how difficult it is. It didn't exist until the dam was put there. How can you go back and look at the ancient historical record of whether or not there were fish in there if there's no lake to begin with? That is true of several lakes in

the area, and they are not tiny little mud puddles, they are huge areas. When you take a look at this in the future, and you will be looking at it again in the future because the bill allows the fish to come up the river to a certain dam and stop there, and what's going to happen is people are going to want them to go beyond this dam into some of the other areas. That is what you are going to have to look at in the future, but you have got to look at the more recent ecology, which is 200 to 300 years old now because it's a changed system from what it was 1000 years ago. It's not the same. It's never going to be the same. You are going to have to look at the modern ecology when you bring this up again next year, when I'm not here. There are going to be some people who will contact me about it, I can guarantee you, because they like the sounds of my arguments, but anyway that's what I needed to have you hear. Thank you very much and I am going to support the Senator from Hancock, Senator Damon, on his position.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. Whether or not I am in this Body next year or not, time and the people of Senate District 28 will tell, but if I am or if I'm not one of the things I will truly miss will be the conversations and the debates with my good friend and colleague the Senator from Lincoln, Senator Dow. I recall an earlier debate that we had and at the conclusion of that debate the Senator from Lincoln, Senator Dow and I talked. He said, 'You know you started making some good points during your debate, and as I was listening, and as you were making the points I noticed that there was a crow that had landed on the building across the way on the Cross Office Building. Every time you made a good point the crow nodded his head. At the end of your debate, and the nodding of the crow, I decided to support your side of the argument. I've often looked for the crow since then.' I'm looking for the crow now, just to let you know, because there are good points in the good Senator's argument and the good Senator's debate.

I want to add a couple more, if I can. Alewives, sometimes referred to as River Herring, sometimes referred to as kayaks, always part of the subgroup of diadromous fish, in fact more accurately they are anadromous fish, that group of fish that spends most of its time in the salt water, most of its life cycle, and then migrates to the fresh water to complete a very important part of its life cycle, and that is spawning. You would know that the Atlantic Salmon is part of those anadromous fish species and there are a number of others; shad and sturgeon to name a few. The alewife is also one of those that has to complete its life cycle, or perpetuate its life cycle by coming to the fresh water and spawning. It doesn't do it just once, it does it as many times as it can make it back to that spawning habitat. It's called a natal fish, natal in that it has some kind of a sense that attracts it back to its home waters. Not just any waters will do. Pretty picky they are. They go back to that area where they were born and hatched. When we impose barriers on that migration, barriers that would prevent them from getting to that area where some higher calling or power has moved them to go to and spawn, if they can't do that, that whole life cycle is interrupted. We don't know, historically, back more than a couple of hundred years whether or not those alewives were in that river. That's just what the good Senator is talking about. What we do know, from the historical

record of this legislature, is that in 1822, two years after we became a state, there was a petition offered to the legislature of this state by inhabitants of that region asking this legislature to remove the barriers that had been erected in that river so that those fish could migrate up and complete their life cycle, continue their life cycle, and spawn.

They named the Atlantic Salmon, they named the alewife, and they named the shad. They talked about numbers of these, all three of these species of fish. I think in one petition that I read there was 18,000 barrels of Atlantic Salmon that were harvested. 18,000 barrels. There was a similar number of thousands of barrels of shad and of alewives that were harvested during the course of those seasons. Those runs we will never see again in my opinion. The importance of those fish, whether they are the more glamorous Atlantic Salmon or the less glamorous alewife or shad, is that they are part of an ecosystem. They are all joined together as part of a larger ecosystem. In particular, the alewives that we are talking about in this bill are a forage fish. A forage fish means that they provide the food for many of the other creatures further up the food chain, whether they be ground fish and bigger fish in the Gulf of Maine, which we know have to be sustained, or whether they be the Bald Eagle, the osprey, the mink, or the otter. They all become part of that food chain for those higher organisms up the chain, or perhaps even, though I doubt there are many in this chamber perhaps with the possible exception of the good Senator from Washington, Senator Raye, that's ever eaten a smoked alewife. I have. They're fairly boney but they are good.

The purpose of the bill is to try to enable this fish, this lowly but very important fish, to be able to continue its life cycle, to spawn, to go back out to sea, and to come back in subsequent years and to continue that. The science was not compelling enough for me at least that this fish, this native fish, was such a threat to another fish in that region, an introduced fish, a non-native fish, but nonetheless a very, very important fish and that's the small mouth bass. It is important because it attracts numerous people to that region and they come here to catch that fish, to enjoy the sport of that fighting fish, to pay money for guides and for camps and to contribute economically to that region of eastern Washington County. That's an important piece. The real reason why we are threatening this lowly species is because we have the impression, and I think it's a mistaken one, that the alewife is a threat to the small mouth bass. Talk about science and the good Senator from Lincoln, Senator Dow. Science is a very important part of his decision making process. That science doesn't exist in my mind, the correlation between the decline of the small mouth bass and the alewife population. I urge you to follow the pending motion, and urge you to follow the good Senator from Lincoln, Senator Dow's light as he supports this motion and allow these alewives, these native alewives, to come back to a point in that river, not the entire river, but the point of the Grand Falls dam so that we can have a continued stock of those fish. Thank you very much, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I know that every member of this Body has been waiting with baited breath for the alewife debate. I rise to lend my support to the pending motion. This is a genuine compromise to a very controversial issue. There's been a lot said and written

about the science and opponents of the original language and the original bill have been portrayed, unfairly I believe, as not listening to the science and not being willing to recognize the science. Actually, I think that as the Marine Resources Committee studied this issue they realized that that was not a fair characterization. We have learned a lot in our studies on this issue. We have learned that not all fresh waters are the same. There are differences with respect to nutrients and other qualities of lakes and tributaries and that the presence of a species that is not problematic in one body of water may be catastrophic in another body of water. Both sides in the debate agree that there is a preponderance of evidence historically that alewives were at one time present in the lower reaches of the St. Croix. We have the appeal that the Senator from Hancock, Senator Damon, mentioned from residents of Baring back in the 1820's to this legislature asking for removal of the dam. We really don't argue that in the areas of the lower part of the river alewives were present. This compromise proposal will open the Woodland dam so that alewives can return to those waters. It maintains, however, the prohibition on alewives passing the Grand Falls dam.

Just its very name of Grand Falls should tell us a little something about the falls that were there prior to this dam. It was named Grand Falls because it was, in fact, the grandest of all of the falls on the St. Croix River. There is a very strong argument made by the Passamaquoddy people, the guides, and fishermen who have been on this river for generations and generations that it was physically impossible for alewives to pass Grand Falls. Governor Nicholas of Indian Township, the Passamaquoddy Tribe, was at the hearings and the work sessions. He spoke of the reverence of the Passamaquoddy people for the St. Croix River. It has been their home for thousands of years. Thousands of years. It is sacred to them. The guides and sporting camp owners who have lived on the river and its tributaries for generations know these waters and they know the species that these waters hold. I think we owe them the same level and measure of respect that we afford to our commercial fishermen and our lobstermen who ply the coastal waters and know those waters and the species they hold. There's no historical or compelling scientific evidence in either the written word, or in the oral history of the Passamaquoddy people, that alewives ever traversed the northern reaches of the river.

As the only member of this Body who represents the area in which the St. Croix River lies, I had to carefully consider both the impacts on the river and the impacts on the coastal waters. I have constituents who depend on both. After careful research it became apparent to me why a succession of Washington County Senators over the years have arrived at the position of opposing the introduction of alewives, at least in the upper reaches of the river. The potential losses and disruption to the sport fishery and those who depend on it on the St. Croix outweighs the potential benefit. We are all familiar, and I am all too familiar, with the economic travails of Washington County. I can tell you that Washington County, and the northern area of the county that we are talking about, has the most economic difficulties of all. There is literally nothing else that would replace the jobs and the economic loss that would happen if we reintroduced, or introduced for the first time, into these waters alewives and the impact was a negative one. It is a risk that we just can't take. This is a good compromise. I am very pleased with the length of time and consideration the members of the Marine Resources committee gave to this issue. I am very grateful in particular to

the Senator from Lincoln, Senator Dow, for his thorough scientific analysis and the information that he brought to the table that hadn't been introduced by any of the witnesses. I think this is thoughtful, I think it is the good thing to do for the alewives. It's the good thing to do for the fishermen, both in the coastal waters and in the waters of the St. Croix and its tributaries and I urge the Senate to support the pending motion. Thank you.

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

Senator **SNOWE-MELLO:** Thank you, Madame President, ladies and gentlemen of the Senate. I've got a history here. I served in the other Body the last time that we debated the alewives bill and I was truly on the opposing side at that time and did not want those alewives to go up the St. Croix. I have reasons for that because in the town of Poland we have Trip Lake and that's part of the great ponds. The alewives were stocked in our lake and I co-sponsored a piece of legislation to ask the department to not continue stocking the alewives in Trip Lake. The reason why is because really these little critters were not very friendly to the other fish, such as the smelts, in our lake. They did stop and they did ban the stocking from at least Trip Lake. Now we still have plenty of alewives in that lake but the smelts are now gone. I was very suspicious and very concerned about this. I also remember listening to the testimony of the sportsmen who own their fishing camps. They are extremely worried and very, very concerned that they're going to lose their livelihood if we allow the alewives to go above the Grand Falls dam. That truly concerned me. As we moved on through the bill, and I saw that we were truly trying to compromise, I started coming closer and closer to at least allowing the alewives to go up towards Grand Falls dam.

The science to me wasn't really compelling enough so I wanted to have more study, more investigation, and I wanted to have a biologist from the Department of Inland Fisheries and Wildlife and a biologist from Marine Resources to work together and to come up with a solution as to whether the alewives truly are native above the Grand Falls dam. In the end I came on board and decided to support this amendment because we have fishermen who use the alewives for bait and I felt it was very important for our fishermen to have these alewives. I think it's going to work. I'm looking forward to the end to see what comes out of this project but I do support this amendment and I hope that you will also. Thank you.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-505) **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

Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials" (EMERGENCY)

H.P. 1568 L.D. 2198

Bill "An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority"

H.P. 1636 L.D. 2271

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

House As Amended

Bill "An Act To Maintain the Amount of State Land That Is Open for Hunting"

H.P. 497 L.D. 648
(H "A" H-781 to C "A" H-756)

Bill "An Act To Improve Solid Waste Management"

H.P. 610 L.D. 810
(C "A" H-799)

Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control (EMERGENCY)

H.P. 1393 L.D. 2009
(C "A" H-797)

Bill "An Act To Protect Children in Vehicles from Secondhand Smoke"

H.P. 1396 L.D. 2012
(C "A" H-785)

Bill "An Act To Ensure Integrity in Financing Publicly Funded Campaigns"

H.P. 1399 L.D. 2015
(C "A" H-793)

Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care (EMERGENCY)

H.P. 1436 L.D. 2052
(C "A" H-795)

Bill "An Act To Conserve Gasoline and Preserve Clean Air"

H.P. 1440 L.D. 2056
(H "B" H-820 to C "A" H-765)

Bill "An Act To Protect Vulnerable Children by Allowing the Use of Emergency Medication" (EMERGENCY)

H.P. 1470 L.D. 2084
(C "A" H-796)

Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake

H.P. 1473 L.D. 2087
(C "A" H-804)

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1501 L.D. 2121
(C "A" H-750)

Bill "An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State"

H.P. 1506 L.D. 2126
(C "A" H-798)

Bill "An Act To Lower Energy Costs and Increase Renewable Energy in Maine"

H.P. 1529 L.D. 2149
(C "A" H-790)

Bill "An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process"

H.P. 1580 L.D. 2213
(C "A" H-791)

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

Ordered sent forthwith to the Engrossing Division.

Bill "An Act Regarding Education Laws"

H.P. 1446 L.D. 2062
(C "A" H-780; H "A" H-801)

READ A SECOND TIME.

On motion by Senator **BOWMAN** of York, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-780), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-496) to Committee Amendment "A" (H-780) **READ**.

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

Senator **BOWMAN:** Thank you, Madame President. What this amendment does is make consistent language in the Maine Revised Statutes between Title 20A and 29A regarding the adoption of rules concerning the transportation of public

preschool students. That's all it does. It's a technical issue.
Thank you.

On motion by Senator **BOWMAN** of York, Senate Amendment "A" (S-496) to Committee Amendment "A" (H-780) **ADOPTED**.

Committee Amendment "A" (H-780) as Amended by Senate Amendment "A" (S-496) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780) AS AMENDED BY SENATE AMENDMENT "A" (S-496) thereto, AND HOUSE AMENDMENT "A" (H-801), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Bill "An Act To Ensure Ethical and Humane Dog Breeding in the State"

H.P. 1394 L.D. 2010
(C "A" H-803)

READ A SECOND TIME.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Potato Cull Pile Law"
H.P. 1392 L.D. 1954

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-813)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813)**.

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

READ ONCE.

Committee Amendment "A" (H-813) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Preserve Successful Historic Neighborhood Schools" (EMERGENCY)

H.P. 1468 L.D. 2082

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-816)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-816)**.

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

READ ONCE.

Committee Amendment "A" (H-816) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education
H.P. 1549 L.D. 2175

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-825)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825)**.

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

READ ONCE.

Committee Amendment "A" (H-825) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Improve the Campaign Finance Laws and Their Administration"

H.P. 1454 L.D. 2070

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-824)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-824)**.

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

READ ONCE.

Committee Amendment "A" (H-824) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **NATURAL RESOURCES** on Bill "An Act To Prevent Contamination of Drinking Water Supplies"

H.P. 1457 L.D. 2073

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-821)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-821)**.

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

READ ONCE.

Committee Amendment "A" (H-821) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution"

H.P. 1535 L.D. 2160

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-822)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-822)**.

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

READ ONCE.

Committee Amendment "A" (H-822) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Protect Sellers in Residential Real Estate Transactions"

H.P. 1520 L.D. 2140

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-812)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.

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

READ ONCE.

Committee Amendment "A" (H-812) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Acts

An Act To Improve the Competitiveness of Maine's Boat Building Industry

S.P. 402 L.D. 1214
(C "A" S-469)

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

An Act To Ensure Legislative Review of Fire Sprinkler Rules
S.P. 775 L.D. 1981
(C "A" S-471)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry (EMERGENCY)
S.P. 896 L.D. 2273

In Senate, March 27, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-492)**, without reference to a Committee.

Comes from the House, **READ** and Resolve **REFERRED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report

S.P. 750 L.D. 1956

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

Signed:

Senators:
BRANNIGAN of Cumberland
RAYE of Washington

Representatives:
PERRY of Calais
JONES of Mount Vernon
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
LEWIN of Eliot
FINLEY of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-520)**.

Signed:

Senator:
MARRACHÉ of Kennebec

Representative:
CAMPBELL of Newfield

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers"

H.P. 1523 L.D. 2143

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

Signed:

Senators:

SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
AUSTIN of Gray
SILSBY of Augusta
RECTOR of Thomaston
BEAUDETTE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-823)**.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SAMSON of Auburn
MacDONALD of Boothbay
PRESCOTT of Topsham
SMITH of Monmouth
CLEARY of Houlton

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823)**.

Reports **READ**.

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

Same Senator requested a Division.

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

Senator **BROMLEY:** Thank you, Madame President. As you can tell by the count on both of these reports this is a very divided issue and I would just urge the body to vote their conscience on this one. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. This was a goal that was very admirable and it was a goal to try to get out information about the good implied warranty laws that we already have in the State of Maine and to better inform the public about those laws and to try to save the public some money because often times people take out service contracts that are

unnecessary because of the implied warranty contract that we already have in place. The bill to date has been essentially boiled down to a posting of the implied warranty contract on the retailer's wall. Though I think the goal is admirable I don't think that this is the right way to go. I think that there can be information disseminated in other ways that does not put the burden on the retailer. Therefore I urge you to vote against the Ought to Pass as Amended Report. As much as I like the good representative and his goals for this piece of legislation, I don't think we need to put another law into place to do this. Thank you very much.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I would encourage you to vote with the good Senator from Penobscot, Senator Schneider, and myself and oppose the pending motion. I think one of the discussions we had this summer when we were working on the prosperity committee, does anybody remember that by the way? One of the discussions we had was how we were going to make it easier for business to work with government and how we were going to put less regulations on business and this is just asking businesses to post a poster. It just seems like it doesn't make a lot of sense and I think we may have better things to do, so I would encourage you to vote with the good Senator from Penobscot, Senator Schneider, and I and oppose this. Thank you very much.

On motion by Senator **SCHNEIDER** of Penobscot, 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 (#350)

YEAS: Senators: BROMLEY, BRYANT, DAMON, HOBBS, HOBBS, RAYE, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, WESTON

ABSENT: Senator: TURNER

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

Sent down for concurrence.

Emergency

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Electricity Consumers of Northern Maine"

S.P. 796 L.D. 2002

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-521)**.

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

READ ONCE.

Committee Amendment "A" (S-521) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/27/08) Assigned matter:

Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General

H.P. 1544 L.D. 2170

Tabled - March 27, 2008, by Senator **MARTIN** of Aroostook
Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 25, 2008, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 27, 2008, **FINALLY PASSED**.)

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry (EMERGENCY)

S.P. 860 L.D. 2228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-522)**.

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

PIOTTI of Unity

RAND of Portland

KNIGHT of Livermore Falls

CLARK of Millinocket

WATSON of Bath

PILON of Saco

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

Signed:

Senator:
NASS of York

Representatives:
WOODBURY of Yarmouth
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus

Reports **READ**.

Senator **STRIMLING** of Cumberland 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.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase Public Confidence in Government by Expanding Public Disclosure"
S.P. 838 L.D. 2178

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-523)**.

Signed:

Senators:
MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:
MOORE of Standish
WEDDELL of Frankfort
BRYANT of Windham
NASS of Acton
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
PINKHAM of Lexington Township
FITTS of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-524)**.

Signed:

Representative:
CAREY of Lewiston

Reports **READ**.

On motion by Senator **MARRACHÉ** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-523) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

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:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report

S.P. 750 L.D. 1956

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-520)** (2 members)

Tabled - March 28, 2008, by Senator **BRANNIGAN** of Cumberland

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

(In Senate, March 28, 2008, Reports **READ**.)

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MARTIN** of Aroostook, **ADJOURNED** to Monday, March 31, 2008, at 10:00 in the morning.