

MAINE STATE LEGISLATURE

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

Daily Edition

First Special Session
April 1, 2008 to April 18, 2008

Pages 1760 - 2135

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

In Senate Chamber
Wednesday
April 2, 2008

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

Prayer by Senator Philip L. Bartlett II of Cumberland County.

SENATOR BARTLETT: Thank you, Madame President. Good morning, men and women of the Senate. It's a pleasure to be with you this morning. I didn't mind getting up early to have this opportunity to share a prayer with you. I want to share with you one of my favorite prayers that I was recently reminded of on a recent visit to my alma mater of Tufts University, where they had it on a card in the chapel. It is the prayer of St. Francis of Assisi. Please join me in prayer.

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy. Oh Devine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love for it is in giving that we receive, it is in pardoning that are pardoned, and it is in dying that we are born to eternal life. Amen.

Reading of the Journal of Tuesday, April 1, 2008.

Doctor of the day, James K. VanKirk, MD of Veazie.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment" (EMERGENCY)

S.P. 844 L.D. 2193
(C "A" S-445)

In Senate, March 13, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445) AND HOUSE AMENDMENT "A" (H-886)**, in **NON-CONCURRENCE**.

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

House Paper

Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity
H.P. 1653 L.D. 2292

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 732

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

March 28, 2008

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 2272 An Act To Reduce the Percentage of the Cost of Local Schools Paid by the State from 55% to 49% (EMERGENCY)

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 733

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 28, 2008

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 1939 Resolve, To Establish a Method for Reporting
the Statistics of Diseases

L.D. 2032 An Act To Implement a Consent Judgment
Regarding OxyContin Abuse

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 734

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

March 28, 2008

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 2036 An Act To Clarify Governmental Liability with
Respect to Transfer Stations

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 735

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

March 28, 2008

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 2244 An Act Concerning Traffic Safety Cameras

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 728

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

March 31, 2008

The Honorable Beth Edmonds
President of the Senate
The Honorable Glenn A. Cummings
Speaker of the House of Representatives
123rd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker,

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Department of Education under the State Government Evaluation Act. In its review, the Committee found that the Department of Education is operating within its statutory authority.

Sincerely,

S/Senator Peter B. Bowman
Senate Chair

S/Representative Jacqueline R. Norton
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 730

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

March 31, 2008

Honorable Beth G. Edmonds, President of the Senate
Honorable Glenn A. Cummings, Speaker of the House
123rd Maine Legislature
Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to the State Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Department of Professional and Financial Regulation.

In its review, the committee found that the Department of Professional and Financial Regulation is operating within its statutory authority. The committee supports the proposed legislation submitted by the department and therefore has submitted to the Legislature on March 15th its findings and recommendations with respect to the department.

Sincerely,

S/Lynn Bromley
Senate Chair

S/Nancy Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 731

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

March 31, 2008

Honorable Beth G. Edmonds, President of the Senate
Honorable Glenn A. Cummings, Speaker of the House
123rd Maine Legislature
Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to the State Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine State Housing Authority.

In its review, the committee found that the Maine State Housing Authority is operating within its statutory authority. The committee supports the proposed legislation submitted by the Authority and therefore has submitted to the Legislature on March 15th its findings and recommendations with respect to the Maine State Housing Authority.

Sincerely,

S/Lynn Bromley
Senate Chair

S/Nancy Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, To Prohibit In-person Absentee Voting on November 3, 2008

S.P. 914 L.D. 2293

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Senators: MARRACHÉ of Kennebec,
PLOWMAN of Penobscot, Representative: MOORE of Standish.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to
the Committee on **LEGAL AND VETERANS AFFAIRS** and
ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **INLAND FISHERIES AND WILDLIFE** on
Resolve, To Create a Deer Predation Working Group
H.P. 1650 L.D. 2288

Reported that the same **Ought to Pass**, pursuant to Resolve
2007, chapter 39.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY**
HOUSE AMENDMENT "A" (H-884).

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

READ ONCE.

House Amendment "A" (H-884) **READ** and **ADOPTED**, in
concurrence.

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

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Increase the
Number of Mandated Reporters of Abuse, Neglect or
Exploitation"

H.P. 1604 L.D. 2243

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-870).

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**
COMMITTEE AMENDMENT "A" (H-870).

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

READ ONCE.

Committee Amendment "A" (H-870) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act To
Amend Maine's Scallop Laws"

H.P. 1455 L.D. 2071

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-863).

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**
COMMITTEE AMENDMENT "A" (H-863) AND HOUSE
AMENDMENT "A" (H-889).

Report **READ**.

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

Senate

Ought to Pass Pursuant to Public Law

Senator BRANNIGAN for the Committee on **HEALTH AND**
HUMAN SERVICES on Bill "An Act To Modernize the Local
Health Officer Statutes"

S.P. 915 L.D. 2294

Reported that the same **Ought to Pass**, pursuant to Public Law
2007, chapter 462, section 7.

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

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

Ordered sent down forthwith for concurrence.

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Consumer Council System of Maine Consistent with the AMHI Consent Decree and the State's Comprehensive Mental Health Plan"
S.P. 761 L.D. 1967

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-547)**.

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

READ ONCE.

Committee Amendment "A" (S-547) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator MARRACHÉ for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Improve the Operation of 'Texas Hold 'Em' Tournaments"
S.P. 849 L.D. 2206

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-546)**.

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

READ ONCE.

Committee Amendment "A" (S-546) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Reports Related to Natural Resources"
S.P. 862 L.D. 2230

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-544)**.

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

READ ONCE.

Committee Amendment "A" (S-544) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Resolve, Regarding ISO New England (EMERGENCY)
S.P. 884 L.D. 2254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-545)**.

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York
SMITH of Piscataquis

Representatives:

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

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

Reports **READ**.

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **BARTLETT**: Thank you, Madame President. I wanted to speak briefly on this bill, which is the next step we have taken in the Utilities and Energy Committee to further renegotiate our existing relationship with ISO New England. ISO New England is the system operator that manages our electricity grid. In recent years certain decisions made by ISO New England have been costing ratepayers of the state of Maine millions of dollars. After restructuring, Maine undertook extensive efforts to make sure we had adequate supplies to meet our needs. Other parts of New England did not do that as effectively as Maine did. To deal with the problem in other larger states in New England fees were put on to pay for not only future capacity to be built in southern New England but also for the existing capacity in the entire region that we are all paying through our electricity bills. In other words, we are paying for something that already exists to serve our needs. Because of these added fees, I started a discussion on this and other issues within ISO New England as to how we should reform

that relationship to make sure that Maine's voice is heard. As with any regional organization, when you are a small player there is a temptation for larger states to walk over you. We feel that this has happened repeatedly in our relationship with ISO New England. In A prior legislature we passed a report asking that the PUC give us a report back on what options might be available if we were to leave ISO New England. They came back with a series of options. We determined that it may well be feasible for us to leave ISO New England altogether if they failed to respond to the concerns and the higher costs that are being imposed on Maine ratepayers. As a result, this resolve requires that the PUC make a determination as to whether or not it would be to the public benefit of Maine ratepayers, the people of Maine, to leave ISO New England. If it concludes that it is in our best interest, then they would order the TND utilities to file a plan to leave. That would be reported back to the legislature in January with a decision to be made sometime next spring. This resolve is an important item for us to move forward, to make sure that we are providing the needed leverage on ISO New England to either reform the existing structure to make sure that Maine's voice is heard or else we will continue to pursue other options either on our own, with Canada, or some hybrid of the two. Thank you, Madame President.

On further motion by same Senator, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-545) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Reduce Wild Blueberry Theft"
S.P. 795 L.D. 2001
(C "A" S-542)

READ A SECOND TIME.

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

ENACTORS

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

Emergency Measure

An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens

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

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 Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials

H.P. 1568 L.D. 2198

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

Emergency Resolve

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

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

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

Emergency Resolve

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

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

On motion by Senator **MARTIN** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Emergency Resolve

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

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

Acts

An Act To Facilitate the Creation of Airport Authorities
S.P. 191 L.D. 599
(C "A" S-484)

An Act To Improve Solid Waste Management
H.P. 610 L.D. 810
(C "A" H-799)

An Act To Update the Dioxin Monitoring Program
S.P. 479 L.D. 1392
(C "A" S-483)

An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process
S.P. 738 L.D. 1931
(C "A" S-475)

An Act To Make Marine Resources Management More Responsive
S.P. 752 L.D. 1958
(C "A" S-474)

An Act To Strengthen the Maine Small Business and Entrepreneurship Commission
S.P. 789 L.D. 1995
(C "A" S-477)

An Act To Protect Children in Vehicles from Secondhand Smoke
H.P. 1396 L.D. 2012
(C "A" H-785)

An Act To Conserve Gasoline and Preserve Clean Air
H.P. 1440 L.D. 2056
(H "B" H-820 to C "A" H-765)

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)

An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses
S.P. 825 L.D. 2157
(C "A" S-480)

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)

An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality
H.P. 1582 L.D. 2216
(C "A" H-753; S "A" S-493)

An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority
H.P. 1636 L.D. 2271

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 Provide a State Income Tax Deduction to Dentists for Military Pensions
S.P. 778 L.D. 1984
(C "A" S-476)

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

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)

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 (#367)

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

NAYS: Senators: None

ABSENT: Senator: BROMLEY

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolves

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

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

Resolve, To Encourage Renewable Energy and Energy Conservation in Maine

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

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create the Maine Council on Poverty and Economic Security"

S.P. 362 L.D. 1110

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-548)**.

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

READ ONCE.

Committee Amendment "A" (S-548) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine" (EMERGENCY)
H.P. 1351 L.D. 1918

In House, February 12, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671)**.

In Senate, April 1, 2008, on motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 4:30 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas"

H.P. 1491 L.D. 2105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-874)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874)**.

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

READ ONCE.

Committee Amendment "A" (H-874) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1656

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall submit, to the House, a bill regarding flavored cigarettes and cigars to the Legislature.

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

READ and **PASSED**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Ensure Landowner Access to Land That Is Intersected by a Railroad"

S.P. 847 L.D. 2199

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-549)**.

Report **READ**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

H.P. 1602 L.D. 2241

(C "A" H-762)

In House, March 19, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762)**.

In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762) AS AMENDED BY HOUSE AMENDMENT "A" (H-849)** thereto, in **NON-CONCURRENCE**.

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

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

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. We had this debate the other day and I would encourage you to stay with the vote that we had the other day and oppose the pending motion.

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 Hancock, Senator Damon to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#368)

YEAS: Senators: BRANNIGAN, DAMON, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

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

ABSENT: Senators: BARTLETT, BROMLEY, MARRACHE, SMITH

5 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **DAMON** of Hancock to **RECEDE** and **CONCUR**, **FAILED**.

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

Sent down for concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1654

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY, FEDERAL
EMERGENCY MANAGEMENT AGENCY TO CARRY OUT THE
MODERNIZATION OF THE STATE OF MAINE'S FLOOD
HAZARD MAPS AS ORIGINALLY SCHEDULED**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition R. David Paulison, Administrator of the Federal Emergency Management Agency, as follows:

WHEREAS, Maine is actively involved with the United States Department of Homeland Security, Federal Emergency

Management Agency, known as FEMA, in administering the National Flood Insurance Program, known as the NFIP; and

WHEREAS, the NFIP is a program with mutual benefits between FEMA and Maine, in which the Federal Government underwrites flood insurance and provides communities with flood hazard identification in the form of flood insurance rate maps, in exchange for the communities regulating development in special flood hazard areas, areas with a 1% or higher annual chance of flooding; and

WHEREAS, approximately 93% of Maine's communities participate in the NFIP for the benefit of both sides; and

WHEREAS, Maine has 5,779 lakes and ponds, with approximately 5 million acres of wetlands, and approximately 5,300 miles of coastline and 91,000 miles of stream and river shoreline; and

WHEREAS, Maine has beautiful and rugged coastline and picturesque bodies of water, which experience significant growth pressures; and

WHEREAS, there are more than 2,772 square miles of floodplain in Maine, a greater land area than the State of Rhode Island, and there are approximately 33,000 civic, business and residential structures at risk of flooding in Maine; and

WHEREAS, more than 8,200 flood insurance policies are in effect in Maine, with more than \$1.5 billion in coverage; and

WHEREAS, there have been 4,079 claims paid by the NFIP in Maine since 1978, totaling more than \$31 million in paid claims, and the number and intensity of flooding events both riverine and coastal are increasing; and

WHEREAS, over 2,700 flood insurance rate map panels are in effect in Maine, with an average age of over 20 years, and many properties are erroneously included in special flood hazard areas due to age and inherent mapping inaccuracies, including inadequate scales and inaccurate flood level delineation, and for the same reasons there is a potential of other properties being erroneously excluded; and

WHEREAS, due to the inherent inaccuracies in these flood maps, Maine leads the Nation in the per capita number of requests to FEMA for map corrections, and the expense of addressing these inaccuracies has fallen to the citizens and businesses of Maine; and

WHEREAS, Maine has eagerly chosen to participate in the NFIP's Flood Map Modernization program and prepared a business plan that was accepted by FEMA to identify and prioritize Maine's mapping needs priorities, and consistently update the business plan; and

WHEREAS, FEMA accepted a timeline to have all of Maine's flood insurance rate maps in the revision process by the year 2009 as a substantial number of the rate maps have not been revised and will be unable to adhere to that timeline unless changes are made, and this will result in plans that have no better accuracy this year than they did 30 years ago; and

WHEREAS, despite initial Federal Government commitments and mid-course modifications, fewer floodplain areas in Maine have flood maps with reasonable accuracy necessary to conduct community planning and floodplain management activities, and changes need to be made for the public good; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the United States Department of Homeland Security, Federal Emergency Management Agency to take the steps necessary to ensure that the flood insurance rate maps for the State of Maine are revised in accordance with the original 2009 schedule as outlined in the State's business plan that was accepted by the Federal Emergency Management Agency; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to R. David Paulison, Administrator of the Federal Emergency Management Agency, and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes"

H.P. 1428 L.D. 2044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-873)**.

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
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan

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

Signed:

Senator:

MARRACHÉ of Kennebec

Representative:

WALKER of Lincolnville

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-873)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-873) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-853)**.

Signed:

Senators:

PERRY of Penobscot
NASS of York
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
GOULD of South Berwick
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

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

Signed:

Representative:
RAND of Portland

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 "B" (H-853)**.

Reports **READ**.

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

Divided Report

Eight members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds" H.P. 1159 L.D. 1650

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-851)**.

Signed:

Senator:
NUTTING of Androscoggin

Representatives:
PIEH of Bremen
GIFFORD of Lincoln
CARTER of Bethel
MAREAN of Hollis
PIOTTI of Unity
LUNDEEN of Mars Hill
CRAY of Palmyra

One member of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "B" (H-852)**.

Signed:

Representative:
PRATT of Eddington

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

Signed:

Representative:
EDGECOMB of Caribou

Comes from the House with Report **"A"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851) AS AMENDED BY HOUSE AMENDMENT "A" (H-887)** thereto.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report **"A"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report **"A"** **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**, in concurrence.

Senate

Ought to Pass As Amended

Senator **BRANNIGAN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children"

S.P. 794 L.D. 2000

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-552)**.

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

READ ONCE.

Committee Amendment **"A"** (S-552) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Potato Cull Pile Law
H.P. 1392 L.D. 1954
(C "A" H-813)

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 Improve the Campaign Finance Laws and Their Administration

H.P. 1454 L.D. 2070
(C "A" H-824)

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

Emergency Measure

An Act To Preserve Successful Historic Neighborhood Schools

H.P. 1468 L.D. 2082
(C "A" H-816)

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

Emergency

An Act To Amend the Laws Regarding School Funding

S.P. 741 L.D. 1932
(CC "A" S-467)

Comes From the House, **FAILED ENACTMENT**.

This being an Emergency Measure and having received the affirmative vote of 22 Members of the Senate, with 12 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT**, in concurrence.

On motion by Senator **DAMON** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-467)**.

On further motion by same Senator, Senate Amendment "D" (S-554) **READ**.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. The amendment that I am offering simply strips the emergency preamble from this particular bill. I would urge your adoption.

On further motion by same Senator, Senate Amendment "D" (S-554) **ADOPTED**.

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 (#369)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON

NAYS: Senators: BENOIT, COURTNEY, HASTINGS, MCCORMICK, MILLS, NASS, ROSEN, ROTUNDO, SMITH, TURNER, THE PRESIDENT - BETH G. EDMONDS

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-467) AND SENATE AMENDMENT "D" (S-554)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Mandate

An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution

H.P. 1535 L.D. 2160
(C "A" H-822)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Ensure Integrity in Financing Publicly Funded Campaigns

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

An Act Regarding Education Laws

H.P. 1446 L.D. 2062
(S "A" S-496 to
C "A" H-780; H "A" H-801)

An Act To Prevent Contamination of Drinking Water Supplies

H.P. 1457 L.D. 2073
(C "A" H-821)

An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings

S.P. 853 L.D. 2215
(C "A" S-490)

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 Fully Fund School Breakfast from Kindergarten to Grade 12

S.P. 791 L.D. 1997
(C "A" S-491)

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

An Act To Protect Parties to Real Estate Transactions

H.P. 1520 L.D. 2140
(C "A" H-812)

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

Resolves

Resolve, Regarding Enhancement of Maine's Cultural Assets
S.P. 787 L.D. 1993
(C "A" S-478)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 818 L.D. 2144
(C "A" S-487)

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/26/08) Assigned matter:

Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran"

S.P. 745 L.D. 1934
(C "A" S-458)

Tabled - March 26, 2008, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 17, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-458).**)

(In House, March 25, 2008, Bill and accompanying papers **INDEFINITELY POSTPONED.**)

On motion by Senator **STRIMLING** of Cumberland, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-458).**

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-458).**

On further motion by same Senator, Senate Amendment "A" (S-530) to Committee Amendment "A" (S-458) **READ** and **ADOPTED.**

Committee Amendment "A" (S-458) as Amended by Senate Amendment "A" (S-530) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-458) AS AMENDED BY SENATE AMENDMENT "A" (S-530) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/10/08) 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 10, 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, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-689) **READ.**

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-463) to Committee Amendment "A" (H-689) **READ.**

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. This amendment just tries to strip the fiscal note off the bill by not allowing public hearings on ongoing boat launches and public access pieces.

On further motion by same Senator, Senate Amendment "A" (S-463) to Committee Amendment "A" (H-689) **ADOPTED.**

Committee Amendment "A" (H-689) as Amended by Senate Amendment "A" (S-463) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689) AS AMENDED BY SENATE AMENDMENT "A" (S-463) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/10/08) 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 10, 2008, by Senator **MARTIN** of Aroostook

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

(In Senate, March 10, 2008, Reports **READ.** Motion by Senator **MARRACHE** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report, **FAILED.** Motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED.**)

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

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

Senator **PLOWMAN:** Thank you, Madame President. Without redebating the whole issue, which I could if I wanted to, but I won't, I would ask that you reject this. Once again, this is pledging our votes to a compact and the compact could very well not reflect the votes of the people of the state of Maine. If there are grounds for all of this, then it should come through by a change in the Constitution and this may be the time to do it, based on what you are hearing, that this is a time for change. I would urge you to reject the motion and to send this out with an Ought Not to Pass. Thank you.

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

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. I need to stand just for a second to explain what is probably going to be a turn around in my vote. I did the math while we were listening to debate last time and I thought that the whole program that was designed in 1887, or whenever it was,

was there to be helpful to small states and give them greater weight in the election of the President. Indeed, it does that. On the other hand, if polling information reveals that the outcome within a given state is predetermined or lopsided, as it sometimes is in Maine, then I can see where that would generate a lack of interest on the part of national candidates and them coming here, because even though each of our electoral votes counts more it's not worth spending any time here because the result is pretty well known. On the other hand, if they could be persuaded to come at least to the Portland Jetport, as they so often do, and at least step off the airplane for an hour and cater to those undecided voters in Maine who might enter into the national tally, I could conceive that this program of committing our votes into a compact might have some benefit even to a small state like Maine. For that reason, that's what I'm thinking right now and unless somebody else can change my mind I'm inclined to support the bill, but you never know. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I, too, will not debate the bill as long as we did last time. I'm very pleased to hear that my good colleague from Somerset, Senator Mills, is perhaps going to vote for it today. Just to remind the Body, all this does is affirm what we believe in this country, which is one person with one vote. Everybody's vote now becomes equal and we move away from this whole delegate process, which we certainly know causes all kinds of consternation in our election process in which people's votes are then not counted. Other representatives come forward to cast votes for us that may not have been how we wanted it to turn out. All this does is say one person, one vote. Everybody's vote in the United States of America counts. We still have the U.S. Senate. We will be protected. We have two votes there, just like California. It's weighted well in that system. In this, our elections, democracy demands one person with one vote. Each vote should be counted equally. Our system today doesn't have that. This will. Thank you, Madame President.

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

Senator **PLOWMAN:** Thank you, Madame President. I'd like to address the comments of my good friend from Somerset, Senator Mills. If Maine doesn't get the attention that New Hampshire does is it because New Hampshire is too small to attract the people or is it because New Hampshire has leveraged itself into a place where people want to campaign, where they want to be heard and it goes out nationally, that their decisions should effect what people are thinking? Small states like New Hampshire do a very good job of getting people to come campaign in their states. If the object of your desire here is to get more candidates to come to the state of Maine then I would suggest it's not voting for this bill, but it might be trying to put us in a primary position. I understand that is very hard to do these days based on what I read in the papers. Sometimes if you do it right, I guess, you can sneak your way in there. I would ask you to reconsider your position because I would think that it would be grounded on something besides the fact that we're trying to get people to come pay attention to Maine. Maine gets attention because of the way we divide our electoral votes. New Hampshire, who is smaller

than we are, gets attention from the candidates because they have an early primary. Other states get absolutely no attention at all. You can look and there are states where there are zero dollars spent by any Presidential campaign. There are over 20 states that had zero dollars spent. Maine didn't rank high, but Maine ranked in there where they spent approximately \$2 per vote. We're certainly not New York. We're certainly not New Hampshire. We certainly were not ignored to the extent that other states were. That's because we have a very unique set up and there were two very anxious Presidential campaigns just two election cycles ago who wanted to know where our one electoral vote would fall. We were watched very closely that night. Phone calls came in from national headquarters that whole night to find out whether we would have President Gore or President Bush. If you would like to trade that to become part of a compact and trade away the one unique opportunity that we have then you will vote for this bill and you will become like any other state in the compact. You will probably get less attention because, in the scheme of things, Maine's 1.3 million people do not produce enough votes to outweigh the big states. Now we will count for even less. I would say to you, don't trade away the unique part that we already have to become something that will eventually, at one point or another, pledge Maine's voters to a candidate they did not support. Thank you.

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

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. I think maybe I'm responsible for you having to listen to this again, being the one member absent on the day that you first voted on this which resulted in two tie votes. I do apologize. I was going to ask to have the debate read back, but I thought better of it. I think I'm getting the flavor of it. I was not here, though. I have one comment that I do want to add on my own.

The underlying complaint is a provision in the United States Constitution. What we are attempting to do here is get around the Constitution. I am always leery and very suspicious of any attempt to get around the Constitution, be it a benign attempt because today's benign attempt will be tomorrow's attempt that you feel is terrible. On those grounds alone, I believe our efforts should be towards amending the United States Constitution and not attempting to get around it as it now stands. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. Very quickly, the ability of each state lies within the state to decide how the membership of their Electoral College will be chosen. Clearly, in the past the membership was chosen by the caucus of the United States Congress, not by the people.

Second, I just want to point out that the money that was spent in Maine on campaigns was actually spent on a couple of television stations in Portland because they fly into the airwaves of New Hampshire.

Finally, I would say that the only reason why New Hampshire gets the publicity is because of the Democratic National Committee who gives them this little secret ability to have the primary when they do get it. I would love that New Hampshire would give us the ability to join with them so that we could have

our primary on the same day and then we would be in great shape. That's when the money would come to Maine as well.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. While I am speaking to the Body, I am really speaking to my good friend and colleague from Somerset, Senator Mills. For those of you who don't know, when the phone rings in the evening it's my mother-in-law or it's Peter Mills. My wife, in fact, will go, 'Here, it's for you.'

It does seem to me that the issue of polling is very prevalent, whether in Maine or other states around the country. It's my assertion that the current system serves us well. We've been in play, I think, because we have split our electoral votes in a somewhat unique way with the polling in each Congressional district deciding how the electoral vote will play out. If, in fact, polling indicates an overwhelming position of favorability for one candidate or the other, I would suggest to you that we probably would be ignored. In the recent past we haven't been because the First Congressional District was very much in play. If we are in a compact and the polling is done, where one candidate has the clear majority, those candidates will also stay away, so I don't see any advantage to our being in the compact. I would encourage my good friend from Somerset, Senator Mills, to think carefully before he casts his vote. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. Just a quick point of clarification, what we are really talking about here is the general election, not the primary. What we are talking about is having everybody's vote count equally in the general election. In the primary, the parties can nominate however they want to nominate. The issue is in the general election, when we elect our President, every vote should be counted equally. New Hampshire gets all the attention because they go ahead of us. We do all that jockeying. Nothing is going to change in all of that. The issue is in the general election, whether we can get Presidential candidates to come here. The problem right now is that they could only get a few delegates by coming here. It's only in those instances when it looks like it's going to be really close would they ever come. If our votes counted as much as anywhere else, if they are coming here and there were persuadables, as we all know, then they would come here because they could move people in their direction. If they could come to Maine and move 100,000 people in their direction it's the same as moving 100,000 people in Ohio. This is just about making sure that everybody's vote is equal. It's a very simple premise. One person, one vote.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin 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 (#370)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

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

Ordered sent down forthwith for concurrence.

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

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Friday, April 4, 2008, at 10:00 in the morning.