

MAINE STATE LEGISLATURE

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State of Maine

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

In Senate Chamber
Friday
April 4, 2008

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

Prayer by Senator Peter B. Bowman of York County.

SENATOR BOWMAN: Good morning esteemed colleagues. I would like to read a prayer to you today that is apropos of the season. Let us bow our heads. Father in heaven, You have taught us that the only thing that is inevitable is the passing of time. With its passing yesterday's problems are solved or their impact lessened. Today's problems appear as challenges and opportunities and we all know that tomorrow's problems will be here soon enough. It often seems like we are simultaneously on a treadmill and on a roller coaster, then You send us a sign of hope, a reminder of life returning, a guarantee of newness and of life. You send us spring and we know we have a sure hope of ultimate success. So let us not get bogged down in the wintertime of our problems, but rather view progress in the sweet hope of spring. Amen.

Reading of the Journal of Wednesday, April 2, 2008.

Doctor of the day, Key Stage, MD of Camden.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from 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

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-823)** (6 members)

In House, March 28, 2008, 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)**.

In Senate, March 28, 2008, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. If you will remember back a year or so ago to the debit card debacle that we had in this Body, where we were learning that because of the high cost of fuel that there were issues with our debit cards at the pumps. The BRED Committee worked with that and we discovered that the biggest problem was lack of information on the part of consumers. The implied warranty law that is before us is in a similar kind of position. Like with the debit cards where we simply required retailers to put a sticker on the pumps that just say if you are using your debit card XYZ, that is what this bill is going to do. We in Maine have an amazing implied warranty law that most of us don't know much about. When you go to many of the large retailers to buy a consumer good you are often, sometimes quite aggressively, sold an extended warranty plan. The majority of these are certainly not necessary in the short run, particularly for serious defects. I will read you something from our Maine implied warranty law. 'The Maine implied warranty law offers the following protection if you have been sold a seriously defective product or component, even if the product has exceeded its express warranty period.' In other words, if you bought a radio and it doesn't play, or if you bought a vacuum cleaner and it doesn't suck, or maybe it does, regardless of what the warranty is, if it doesn't perform what it is supposed to do you're already covered by Maine law and you need not pay for something that does this very thing. I would encourage all of you to get the implied warranty law from the AG and get it to your constituents because it's an amazing piece of work that some prior legislature did. What this bill does is simply let people know that there is already an implied warranty so they don't have to purchase something that they don't need and that's the only requirement. In committee we amended the original bill. The original bill had a lot of other requirements for retailers, this one simply is one of disclosing to people that they have an implied warranty as well. Thank you, Madame President.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. Though I respect my good colleague's word I just simply want to rise and remind you all that we voted, I believe it was 27 in opposition to this bill. I don't want to redebate

this issue. I don't support it. I hope you will vote against the supporting motion and I'm glad that there is going to be a roll call. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I also do not want to debate this bill again and I would just encourage you to stand by your previous vote and not put another burden on small business. Thank you.

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

Senator **BRANNIGAN:** Thank you, Madame President. This is an issue that we have been dealing with for many many years. The previous Business Reg committee, back in the 80's when we worked on the lemon law, son of lemon law, and lemon law II where we battled the manufacturers of automobiles and helped, with many other states, to make changes. The implied warranty was written before that and was a very important piece of legislation and one of the big things we did in the automobile laws was to put up certain requirements, we tried to get rid of the 5:00 surprise and I think we did. That's where you leave your car and come back and there is a \$500 charge and you can't take your car unless you pay for it. We were able to take care of that. We put up signs that say how much people charge and if you did not want them to be able to surprise you at 5:00 you had to have them call you. This is good for the service folks in the long run. I mean do you ever buy anything from that one particular company that practically attacks you on the floor? You get home and you get a call from them saying oh you better buy this warranty and then 20 or 30 days later you get another call. You don't need that. If it doesn't last long enough then it's under warranty. We have a law that says you have to be able to make a piece of equipment that will last, whether it's a transmission or a washing machine, a reasonable length of time. I think if people don't understand that, and I guess they don't if they buy these warranties, we should let them know. Thank you.

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

Senator **DAMON:** Thank you, Madame President. May I pose a question through the chair? Does this proposal that we have in front of us have any kind of a financial impact to retailers?

THE PRESIDENT: The Senator from Hancock, Senator Damon poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President. I suppose it could be argued that the actual sticker that they have to put on the cash register is a cost, but it's certainly minimal.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise briefly to speak in support of the pending

motion. As a small business person myself I don't see this as any more onerous than the requirement that we post the labor laws and OSHA laws that I have to post in my business. I think that it does provide a service to the public in helping to make less confusing the situation that people face when buying appliances and other items and I think it's a good consumer bill. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I did not want to debate this again but since I'm concerned about the reminder not being enough I thought I would rise and just say keep in mind how much those postings really help, or whether they really help the consumer or not. I just don't think it really works. I think that the better mechanism, and this is why those of us on the committee didn't support this, a better mechanism is to get the word out using the Attorney General's office and getting the word out on public access television and that sort of thing. Really, by putting stickers up on walls just puts more burden on the retailer and doesn't really achieve very much. I just don't think it's worth the effort. If I really thought that it would help protect the consumer more then I would be in favor of it, but I don't think it's going to protect the consumer any more. I hope you will vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bromley 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 (#371)

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

NAYS: Senators: BENOIT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, NASS, PERRY, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senator: PLOWMAN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BROMLEY** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 919

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 2, 2008

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

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has withdrawn
his nomination of Elmer Harmon for reappointment to the
Washington County Development Authority, pursuant to Title 3
M.R.S.A. § 154.

This nomination is currently pending before the Joint Standing
Committee on Business, Research and Economic Development.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 740

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

April 2, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the 123rd Maine Legislature, the Joint Standing Committee
on Business, Research and Economic Development has had
under consideration the nomination of Harold A. Prescott, Sr. of
East Machias, for appointment to the Washington County
Development Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	6	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		5	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Cleary of Houlton, Rep. MacDonald of Boothbay, Rep. Prescott of Topsham

Eight 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 Harold A. Prescott, Sr. of East Machias, for
appointment to the Washington County Development Authority,
be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **RAYE:** Thank you, Madame President. I just wanted to
speak very briefly before we embark on these next few votes to
simply let the chamber know that the Washington County
Development Authority is, we believe, a very important tool that
will enable Washington County help lift itself economically in the
years to come. The board has been operating on a less than full

contingent so these nominations are very important to our county. I applaud the Governor for his selections and I urge all of my colleagues to support each of these nominations. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#372)

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, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

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 **Harold A. Prescott, Sr.** of East Machias for appointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 741

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

April 2, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Barbara L. Drisko of Columbia Falls, for appointment to the Washington County Development Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	6	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		5	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Cleary of Houlton, Rep. MacDonald of Boothbay, Rep. Prescott of Topsham

Eight 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 Barbara L. Drisko of Columbia Falls, for appointment to the Washington County Development Authority, be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#373)

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, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

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 **Barbara L. Drisko** of Columbia Falls for appointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 742

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

April 2, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Brent D. Hartford of Milbridge, for appointment to the Washington County Development Authority.

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

YEAS Senators 2 Courtney of York, Schneider of Penobscot

Representatives 6 Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Rector of Thomaston, Samson of Auburn, Silsby of Augusta

NAYS 0

ABSENT 5 Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Cleary of Houlton, Rep. MacDonald of Boothbay, Rep. Prescott of Topsham

Eight 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 Brent D. Hartford of Milbridge, for appointment to the Washington County Development Authority, be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#374)

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, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

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 **Brent D. Hartford** of Milbridge for appointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 743

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

April 2, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Shirley M. Erickson of Machiasport, for reappointment to the Washington County Development Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	6	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		5	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Cleary of Houlton, Rep. MacDonald of Boothbay, Rep. Prescott of Topsham

Eight 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 Shirley M. Erickson of Machiasport, for reappointment to the Washington County Development Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#375)

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, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

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 **Shirley M. Erickson** of Machiasport for reappointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 744

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

April 2, 2008

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Janet M. Toth of Jonesboro, for reappointment to the Washington County Development Authority.

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

YEAS	Senators	2	Courtney of York, Schneider of Penobscot
	Representatives	6	Smith of Monmouth, Beaudette of Biddeford, Beaulieu of Auburn, Rector of Thomaston, Samson of Auburn, Silsby of Augusta
NAYS		0	
ABSENT		5	Sen. Bromley of Cumberland, Rep. Austin of Gray, Rep. Cleary of Houlton, Rep. MacDonald of Boothbay, Rep. Prescott of Topsham

Eight 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 Janet M. Toth of Jonesboro, for reappointment to the Washington County Development Authority, be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#376)

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, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

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 **Janet M. Toth** of Jonesboro for reappointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 745

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

April 3, 2008

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

Dear Madame President:

LEGISLATIVE RECORD - SENATE, FRIDAY, APRIL 4, 2008

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 Transportation has had under consideration the nomination of Thomas B. Federle of Manchester, for appointment to the Maine Turnpike Authority.

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

YEAS	Senators	2	Damon of Hancock, Savage of Knox
	Representatives	7	Marley of Portland, Browne of Vassalboro, Fisher of Brewer, Hogan of Old Orchard Beach, Mazurek of Rockland, Peoples of Westbrook, Theriault of Madawaska
NAYS		0	
ABSENT		4	Rep. Cebra of Naples, Sen. Diamond of Cumberland, Rep. Rosen of Bucksport, Rep. Thomas of Ripley

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 Thomas B. Federle of Manchester, for appointment to the Maine Turnpike Authority be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** 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 (#377)

L.D. 2262

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, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas B. Federle** of Manchester for appointment to the Maine Turnpike Authority was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Thomas B. Federle of Manchester. Would he please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 737

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 2, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2256 An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier

An Act Pertaining to the Definition of "Milk"

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 738

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

April 2, 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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2229 An Act To Expand the Economic Development
Benefit of Tax Increment
Financing in Counties That
Include Unorganized
Territories

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. John F. Piotti
House Chair

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

The Following Communication: S.C. 739

**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 Maine Cultural Affairs Council, the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Historical Society, the Maine Library Commission, the Maine State Library, the Maine State Museum, the Maine State Museum Commission, and the Office of the State Historian under the State Government Evaluation Act. In its review, the Committee found that the Council and the individual cultural agencies are operating within their 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: H.C. 502

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

April 2, 2008

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

Dear Secretary O'Brien:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Health and Human Services on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities (H.P. 501) (L.D. 652).

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY)

S.P. 918 L.D. 2300

Sponsored by Senator BOWMAN of York. (GOVERNOR'S BILL)
Cosponsored by Representative NORTON of Bangor.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator BOWMAN of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator BOWMAN of York (Cosponsored by Representatives: WEBSTER of Freeport, WHEELER of Kittery, Representative WATSON of Bath and Senators: BRANNIGAN of Cumberland, MITCHELL of Kennebec, PLOWMAN of Penobscot, SCHNEIDER of Penobscot, Representatives: ADAMS of Portland, BEAUDOIN of Biddeford, BRIGGS of Mexico, BRYANT of Windham, BURNS of Berwick, CAMPBELL of Newfield, CAREY of Lewiston, CARTER of Bethel, CLEARY of Houlton, CONNOR of Kennebunk, CROCKETT of Augusta, Speaker CUMMINGS of Portland, EATON of Sullivan, FAIRCLOTH of Bangor, FISHER of Brewer, GERZOFKY of Brunswick, HASKELL of Portland, HILL of York, HOGAN of Old Orchard Beach, KOFFMAN of Bar Harbor, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, MILLS of Farmington, NORTON of Bangor, PATRICK of Rumford, PERCY of Phippsburg, PILON of Saco, PINGREE of North Haven, PIOTTI of Unity, PRIEST of Brunswick, RAND of Portland, RICHARDSON of Carmel, RINES of Wiscasset, SCHATZ of Blue Hill, SILSBY of Augusta, SIROIS of Turner, SMITH of Monmouth, TUTTLE of Sanford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 920

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO AUTHORIZE A COLD WAR SERVICE MEDAL

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 the United States Congress as follows:

WHEREAS, the United States Armed Forces confronted and engaged the forces of worldwide Communism continuously from the end of World War II on September 2, 1945 until the dissolution of the Soviet Union on December 26, 1991; and

WHEREAS, this period is known as the Cold War, and although not technically a declared war in the traditional sense, it was a war where our citizens were committed to freedom and risked their lives; and

WHEREAS, the United States, throughout this prolonged period, depended on its citizen volunteers and draftees to perform national military service in the United States Army, Navy, Air Force, Marine Corps and Coast Guard to defend the nation and its allies from communist aggression; and

WHEREAS, the collapse of the Soviet Union was the greatest military success for the United States Armed Forces since the end of World War II; and

WHEREAS, Americans who honorably served in the armed forces during the Cold War should now be recognized with a service medal; and

WHEREAS, Senate Bill No. 1097 and Senate Bill No. 1763, as well as the 2008 fiscal year's defense appropriations bill, are viable legislative vehicles to authorize and fund the medal; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request the United States Congress to authorize the awarding of Cold War service medals to recognize foreign service personnel who served admirably during this period of time; and be it further

RESOLVED: That a Cold War service medal be authorized to honorably recognize all military personnel who served on active duty during the period September 2, 1945 to December 26, 1991 and thereby recognize their military service during the Cold War; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Make Minor Substantive Changes to the Tax Laws"
H.P. 1531 L.D. 2151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-854)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
CLARK of Millinocket
WATSON of Bath
PILON of Saco

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-855)**.

Signed:

Senator:

NASS of York

Representatives:

KNIGHT of Livermore Falls
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)**.

Reports **READ**.

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

Senate

Ought to Pass Pursuant to Joint Order

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Statewide Homeless Council"

S.P. 916 L.D. 2296

Reported that the same **Ought to Pass**, pursuant to Resolve 2007, chapter 131.

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

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

Ordered sent down forthwith for concurrence.

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data"

S.P. 917 L.D. 2297

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 907.

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

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Remove Impediments to Changing County Government Fiscal Years"

H.P. 1660 L.D. 2302

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **TRANSPORTATION** on Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)
H.P. 1662 L.D. 2304

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**, pursuant to Resolve, chapter 24.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

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

REFERRED to the Committee on **TRANSPORTATION**, 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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Homeowners from Equity Stripping during Foreclosure"

H.P. 1559 L.D. 2189

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-892)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892)**.

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

READ ONCE.

Committee Amendment "A" (H-892) **READ**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-892), in concurrence.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program"
H.P. 1383 L.D. 1947

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-894)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**.

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

READ ONCE.

Committee Amendment "A" (H-894) **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 **UTILITIES AND ENERGY** on Bill "An Act To Strengthen Maine's Consumer Protections against 'Slamming'"
H.P. 1632 L.D. 2269

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-893)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**.

Report **READ**.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, 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 **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands

S.P. 889 L.D. 2260

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-556)**.

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

READ ONCE.

Committee Amendment "A" (S-556) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

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

Senator **BRYANT** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws"

S.P. 776 L.D. 1982

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-555)**.

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

READ ONCE.

Committee Amendment "A" (S-555) **READ**.

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-555).

ORDERS OF THE DAY

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

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands
S.P. 889 L.D. 2260

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, April 4, 2008, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556)** Report from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-556) **READ** and **ADOPTED**. **RULES SUSPENDED**. **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District" (EMERGENCY)
H.P. 1658 L.D. 2299

Reported that the same **Ought to Pass**, pursuant to Public Law 2007, chapter 240, Part XXXX, section 47.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Alternative Education Programs Committee"
H.P. 1661 L.D. 2303

Reported that the same **Ought to Pass**, pursuant to Resolve 2007, chapter 124, section 8.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Reporting Requirements of Boards and Commissions"

H.P. 1657 L.D. 2298

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1635.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, 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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund Maine's HealthInfoNet Program"

H.P. 1251 L.D. 1797

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-900)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900)**.

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

READ ONCE.

Committee Amendment "A" (H-900) **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 **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman"

H.P. 1361 L.D. 1923

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-904)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904)**.

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

READ ONCE.

Committee Amendment "A" (H-904) **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 **JUDICIARY** on Bill "An Act To Help Prevent Identity Theft"

H.P. 1479 L.D. 2093

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-905)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-905)**.

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

READ ONCE.

Committee Amendment "A" (H-905) **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 **NATURAL RESOURCES** on Bill "An Act Concerning Certain Excavations"

H.P. 1430 L.D. 2046

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-897)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-897)**.

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

READ ONCE.

Committee Amendment "A" (H-897) **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 **TAXATION** on Bill "An Act To Increase Access to Dental Care"

H.P. 1562 L.D. 2192

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-902).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902).**

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

READ ONCE.

Committee Amendment "A" (H-902) **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 **TAXATION** on Bill "An Act To Allow the Town of Kittery To Implement a Program To Abate Taxes for Senior Citizens in Exchange for Public Service"

H.P. 1571 L.D. 2202

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-903).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-903).**

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

READ ONCE.

Committee Amendment "A" (H-903) **READ** and **ADOPTED**, in concurrence.

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/13/08) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Generate Savings by Changing Public Notice Requirements" (EMERGENCY)
H.P. 1310 L.D. 1878

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-684)** (12 members)

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

Tabled - March 13, 2008, by Senator **SCHNEIDER** of Penobscot

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

(In House, March 12, 2008, 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-684).**)

(In Senate, March 13, 2008, Reports **READ.**)

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. First I want to commend my colleague, Representative Hayes, along with my wonderful committee, the State and Local Government Committee for having worked this bill over the last two years. As many of you may remember, the original bill which I completely supported would have put public notices just online, just on the Web. But there were some who objected to that so we sent this back to our committee to be worked over a long duration and we worked on it to try to get everybody on this report and in favor of this bill. We almost succeeded. We have been called upon by many, leadership on both floors of the State House, the Appropriations and Financial Affairs Committee, the citizens of Maine and even by the newspapers themselves to find savings, to tighten our belts. Do more with less, find cuts more palatable which do not cause pain to those in need, and do not cause an increase in taxes. We are a committee which has and continues to answer this call. We seek savings and we have walked the walk in finding those savings and reductions in these difficult and financially strapped times. This bill which has been worked since last session is not an exception to our commitment of seeking those savings while finding common ground and still serving the people of our State and making sure to protect our democracy. The amended version of LD 1878 allows, but does not require communities that have limited daily newspaper service to post their legal notices in alternative newspapers after they have adopted a publication policy. The barrier that prevents municipalities from using newspapers that are mailed in bulk to provide public notice is lifted so they are not only using this form of communication regarding public notices as a redundant additional expense. Currently that is what is occurring, the municipalities do not feel that they are able to reach enough people through their major newspapers and as a result they are having to double notify because they don't feel that enough people are accessing their newspapers.

Rule making notices are located online and public notices shortened in the print media, but given in greater detail and uniformity online. This format both achieves savings and enhances details for our notice to the public. There is much talk about streamlining, cutting and saving tax payer dollars, all too often, as Martin Luther King once said 'There's a high blood pressure of words and an anemia of deeds.' Colleagues of the Senate I ask you to be strong, turn words into action and do as we have been called upon to do, save our state some much needed dollars and join me in voting for this ought to pass as amended report. There have been arguments that this is

somehow undemocratic. I often think about change and how difficult change is. I myself was in an industry for 20 years that saw immense change due to the internet, the travel industry. Here we are faced with change again when these young people before you will probably only use the internet and no paper. I have said to the newspapers this is nothing against them. I personally enjoy the three subscriptions which I take, I like the print media myself, but this is not about what I like. This is about serving the people of Maine and doing it at a cost which is within our budget. This bill does that. This bill provides the service that people need about our government, while at the same time it reduces our costs. I hope that you will support this even though change is difficult. People will often argue that somehow this will eliminate some people from accessing information. I will tell you I have gone around my district, I have asked people when their public notices come out and if they read them on a regular basis in the newspapers. I have not found even five people who say they read these on a regular basis. In fact, when I tell them about the cost that we could save by implementing this piece of legislation they are very supportive. I have put out the challenge to my colleagues to find five constituents that read the public notices, that know when they come out and read them on a regular basis. I haven't heard back from anybody that they have found those five constituents. If anyplace we can save money and still provide the notice and information which people need, this is it folks. This doesn't hurt people because people are not accessing it.

I've often thought about how public notice was originally given out and about the public crier going out into the middle of the public square and reading out what was going on in their communities. I would argue that I believe we would reach more people today if we went back to the old public crier method. Change is difficult. There are no public criers any more. We moved from public criers to newspapers and now I think it is time that we do a dual function, not eliminate them completely, the public notice from the newspapers, but shorten them up and put more detail online. We will do this now or I am certain we will do it in the future because these young people in front of us here today are looking at their newspapers already online. They're finding their information online. So, I would hope that you would go with me on this modified piece of legislation which has been compromised over two years and which will streamline government. It will save us tax payer dollars while still providing the service that is so important for our democracy. Thank you very much.

The Chair ordered a Division.

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

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just wanted to clarify some figures on the handout that was distributed today. It has to do with the negotiated rate savings. I just wanted to clarify that these savings demonstrate savings compared to the previous year's expenditures, so where it says negotiated rate savings of \$141,000, the next should read \$183,000 and the next year

\$231,000, then \$254,000, then \$289,000, for a total being \$1.1 million of savings in that negotiated savings column. I think there was some confusion in terms of those figures and what they meant. Thank you very much.

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

Senator **McCORMICK:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in opposition to the pending motion and I will be brief. One need only ride through my district to see in the morning how many newspaper receptacle boxes are posted next to the rural mailboxes to know that many people of the state still get their information through the newspaper and not necessarily by going online to do so. I can't tell you how many people actually read these notices, but I believe at this point, when technology is booming but still is not available to everyone it's unfair to assume that everyone can read a partial notice and have the ability to go to get the details online. As far as I did not canvas people to see how many do read them, I can say that of the 11 municipalities I represent not one has contacted me to say support this because we will save money. So I believe at this point in time it's fair to leave the system as it is, the newspapers have responded with an offer to reduce the charges. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I would just like to respond about the savings. The savings that was written up was one that came from the newspapers themselves claiming that over a five year period they would save us \$290,000 by the negotiated rates. If that amount is \$1.2 million I say all the better and I commend them for their efforts, but I would also say that as apples and oranges I spoke with Mr. Bolter about this issue and they are not dependent on this bill one way or the other. So, if this bill succeeds and if the negotiated savings rate is actually instead of roughly \$300,000 it's \$1.2 million, then over a five year period we would save at the minimum, the very minimum, \$2.2 million. \$2.2 million is a very nice savings for the tax payers of the state of Maine and I just want to say there's a reason why Representative Joy was on this as a co-sponsor. He lives in very rural areas. I think we are all in recognition that people subscribe to newspapers, I do so myself, the question is whether or not they are accessing the public notice in the newspapers and whether or not we can do a more effective job by keeping the notices in the newspapers but shortening them up to save some money. That's really the issue here folks. If we can't save money here, if we can't tighten our belts here as the newspapers have called upon us to do then where can we save? Thank you.

THE PRESIDENT: The Chair would remind members not to refer to members of the other Body by name. The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I would like to pose a question through the Chair. I just wanted to clarify, if someone could, my understanding that the notices will still be published in the newspaper. They will be briefer. For those people who do not have access to a computer, which has been my concern with this, that it will publish the name, address and

phone number of the person in state government who is responsible for providing additional information. I would like just to have clarification on that before I vote. Thank you.

THE PRESIDENT: The Senator from Washington, Senator Raye, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. Yes, the Senator from Washington, Senator Raye, is correct. You are absolutely correct. It will include the information. In fact we wanted to include that as part of the transparency issue. We wanted to make sure that the responsible party could be easily reached.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#378)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, DAMON, DOW, HASTINGS, MARTIN, NASS, NUTTING, PERRY, RAYE, SAVAGE, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, TURNER

NAYS: Senators: BROMLEY, COURTNEY, DIAMOND, GOOLEY, HOBBS, MARRACHE, MCCORMICK, MILLS, MITCHELL, ROSEN, ROTUNDO, SMITH, SNOWE-MELLO, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-684) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (3/28/08) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-522)** (8 members)

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

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

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

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

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. As far as the Tax Committee's efforts go this year this may be one of the most difficult issues there has been. It's been well established in the press as an effort, or certainly a concern on the part of the trucking industry, especially up in the northern part of the state relative to their fuel tax costs. There were three, maybe four bills that were devoted to trying to fix this issue. In my recollection the tax committee unanimously supported a couple of those but clearly they were of minimal impact. The one bill that was important to the industry was this one because it seeks to eliminate their fuel tax for a relatively small period of time. It turns out that period has actually passed, it was from January to the first of April. So the period of benefit to the industry has gone, it passed a few days ago. As with fuel taxes and rebates on fuel taxes the ability to recoup that still exists. The person who has paid the tax would apply and get the money back basically. The problem here, at least for me, is that we have conflicting problems, as we often deal with here, huge problems with the highway fund and roads and bridges all over the state and a proposal in front of us that would diminish that, or diminish our ability somewhat to deal with those problems because this would decrease revenue to the highway fund. Despite our needs and despite other efforts to help the industry, it was my feeling and my vote on this in committee to not support this effort. Further than that, as I recall, as we dealt with this there was kind of an extension. There was great interest on the part of the industry and the folks that were there to deal with forest products mostly as they were coming out of the woods to the mill. A vision of which we can all probably contemplate. The big trucks with the log lengths headed to the mill. The bill was extended in committee to include the trucking of products away from the mill. That gets a little more difficult. It could be paper products, it could be pulp, but it also could be furniture leaving. As I recall the fiscal note on that then expanded it considerably, but that was not my main reason for opposing this. My main reason was because of the effect on the highway fund which effects our ability to maintain roads and bridges throughout the state. I would ask you to vote against this. It's a difficult vote I know, for folks in my caucus and perhaps some others, but I intend to oppose the motion that's in front of us. Thank you.

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

Senator **PERRY:** Thank you, Madame President. I just want to speak briefly on this. Senator Nass and I were on opposite sides of this report. However I did tell the industry my vote of support was primarily due to the effort they and the sponsor, Senator Schneider, put into this effort. It does have a \$7 million fiscal note and ultimately probably does not do much to help the industry that is struggling right now. When they sponsored this bill, if we had repealed the fuel tax at that time, just with market forces even without that fuel tax, prices are substantially more expensive today than they were when they started this effort. So their problems go way beyond this bill and I warned the supporters that with a \$7 million fiscal note it probably did not have a bright future. However, in recognition of the amount of work they put into it and that they are a struggling industry I did vote in favor of this report. Thank you.

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

The Chair laid before the Senate the following Tabled and Later (3/31/08) Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations"

S.P. 636 L.D. 1792

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-532)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-533)** (1 member)

Tabled - March 31, 2008, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **HOBBINS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)** Report

(In Senate, March 31, 2008, Reports **READ**.)

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **HOBBINS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)** Report

The Chair laid before the Senate the following Tabled and Later (4/2/08) Assigned matter:

SENATE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-549)**

Tabled - April 2, 2008, by Senator **DAMON** of Hancock

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 2, 2008, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-549) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/2/08) Assigned matter:

Bill "An Act To Reduce Wild Blueberry Theft"

S.P. 795 L.D. 2001
(C "A" S-542)

Tabled - April 2, 2008, by Senator **DAMON** of Hancock

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, April 2, 2008, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED.

Ordered sent down forthwith for concurrence.

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Make Minor Substantive Changes to the Tax Laws"
H.P. 1531 L.D. 2151

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-854)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-855)** (5 members)

Tabled - April 4, 2008, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 2, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854).**)

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

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** Report, in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 12:30 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 Pursuant to Joint Order

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine" H.P. 1655 L.D. 2295

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1513.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"

H.P. 1452 L.D. 2068

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-895)**.

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

WEDDELL of Frankfort
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
BRYANT of Windham

Comes from the House with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

ENACTORS

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

Emergency Measure

An Act To Restore Diadromous Fish in the St. Croix River
S.P. 751 L.D. 1957
(C "A" S-505)

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 Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment
S.P. 844 L.D. 2193
(C "A" S-445; H "A" H-886)

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 Promote the Agricultural Economy
H.P. 1606 L.D. 2245
(C "A" H-862)

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

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education
H.P. 1516 L.D. 2136
(H "A" H-808 to C "A" H-763)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 6 Senators having voted in the negative, and 26 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, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization
H.P. 1542 L.D. 2167
(C "A" H-860)

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

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

ENACTORS

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

Acts

An Act Regarding MaineCare Pharmacy Professional Fees
H.P. 321 L.D. 405
(C "A" H-859)

An Act To Protect Electricity Consumers of Maine
S.P. 796 L.D. 2002
(C "A" S-521)

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 Property Tax Relief to Maine Veterans
H.P. 1485 L.D. 2099
(C "A" H-856)

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

An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting
H.P. 1488 L.D. 2102
(S "A" S-531 to C "A" H-818)

PASSED TO BE ENACTED.

(See action later today.)

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

ENACTORS

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

Acts

An Act To Amend the Requirements for Approval of the Use of Physical Restraints

H.P. 1518 L.D. 2138

An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation and To Clarify the Probation Laws Relating to Violation of Protection Orders

H.P. 1604 L.D. 2243
(C "A" H-870)

An Act To Protect Lake Water Quality

H.P. 1610 L.D. 2249
(C "A" H-864)

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 Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry

H.P. 1508 L.D. 2129
(H "A" H-789; S "A" S-535
to C "B" H-728)

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

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

ENACTORS

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

Resolves

Resolve, To Achieve Universal Blood Lead Level Screening of Maine Children

H.P. 1546 L.D. 2172
(C "A" H-861)

Resolve, To Create a Deer Predation Working Group

H.P. 1650 L.D. 2288
(H "A" H-884)

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

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

ENACTORS

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

Emergency Resolve

Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry

S.P. 896 L.D. 2273
(S "A" S-492)

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 **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

Ought to Pass As Amended

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Provide Tax Relief to Maine's Forest Products Industry" (EMERGENCY)

S.P. 857 L.D. 2225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-559)**.

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

READ ONCE.

Committee Amendment "A" (S-559) **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, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

ENACTORS

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

Resolve

Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education
H.P. 1549 L.D. 2175
(C "A" H-825)

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

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:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"

H.P. 1452 L.D. 2068

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-895)** (7 members)

Minority - **Ought To Pass** (6 members)

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

Pending - motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

(In House, April 2, 2008, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.
READ ONCE.

Committee Amendment "A" (H-895) **READ** and **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-895)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect the Health of Infants"
H.P. 507 L.D. 658

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-891)**.

Signed:

Senators:

SULLIVAN of York
BOWMAN of York
SNOWE-MELLO of Androscoggin

Representatives:

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

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

Signed:

Representative:

McKANE of Newcastle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-891)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "B" (H-891) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

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

Bill "An Act To Protect Homeowners from Equity Stripping during Foreclosure"

H.P. 1559 L.D. 2189

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-892)**, in concurrence

(In House, April 4, 2008, **OUGHT TO PASS AS AMENDED** Report from the Committee on **INSURANCE AND FINANCIAL SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892)**.)

(In Senate, April 4, 2008, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-892) **READ**.)

Committee Amendment "A" (H-892) **ADOPTED**, in concurrence.

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

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

Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws"

S.P. 776 L.D. 1982

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-555)**

(In Senate, April 4, 2008, **OUGHT TO PASS AS AMENDED** Report from the Committee on **INLAND FISHERIES AND WILDLIFE** **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-555) **READ**.)

Committee Amendment "A" (S-555) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-558) **READ**.

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

Senator **BRYANT:** Thank you, Madame President. All this does is put an emergency preamble on the bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-558) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-555) AND SENATE AMENDMENT "A" (S-558).

Ordered sent down forthwith for concurrence.

On motion by Senator **DAMON** of Hancock, the Senate **RECONSIDERED** whereby it **ENACTED** the following:

An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting
H.P. 1488 L.D. 2102
(S "A" S-531 to C "A" H-818)

(In House, April 4, 2008, **PASSED TO BE ENACTED**.)

(In Senate, April 4, 2008, **PASSED TO BE ENACTED**, in concurrence.)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-522)** (8 members)

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

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

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

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

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 (#379)

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

NAYS: Senators: BOWMAN, DAMON, DIAMOND, HASTINGS, MCCORMICK, NASS, SAVAGE, STRIMLING, TURNER

ABSENT: Senator: GOOLEY

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-522) **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "A" (S-551) to Committee Amendment "A" (S-522) **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. This amendment takes the amount of money for this bill to be funded from the budget stabilization fund versus the highway fund. It's also referred to as the Rainy Day or contingency account. I'm hoping that this will help to alleviate some of the concern over the issues that we have that need to be addressed with regard to our roads and bridges. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President. I can't seem to find the amendment. Would you be willing to table this until later in today's session.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **ADOPT** Senate Amendment "A" (S-551) to Committee Amendment "A" (S-522).

The Chair laid before the Senate the following Tabled and Later (3/31/08) Assigned matter:

Bill "An Act Concerning Technical Changes to the Tax Laws"
S.P. 823 L.D. 2154
(C "A" S-508)

Tabled - March 31, 2008, by Senator **PERRY** of Penobscot

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, March 31, 2008, **READ A SECOND TIME**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-508).

On further motion by same Senator, Senate Amendment "A" (S-550) to Committee Amendment "A" (S-508) **READ**.

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

Senator **NASS:** Thank you, Madame President. If I might give just 30 seconds of explanation. It's pretty confusing down in the pit on these technical change bills. This one is supported by the tax committee and has to do with Kibby Mountain and the windfarm there. So it's not related to our next battle on technical changes so I urge your support. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-550) to Committee Amendment "A" (S-508) **ADOPTED**.

Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-550) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-550) thereto.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations"

S.P. 636 L.D. 1792

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-532)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-533)** (1 member)

Tabled - April 4, 2008, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **HOBBS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)** Report

(In Senate, March 31, 2008, Reports **READ**.)

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. We've done quite a few things today and I thought in order to make it a well rounded day I would try to turn around a 12 to 1 report. I'm the 1. I'm standing in opposition to the pending motion. This is an issue that was brought before the Judiciary Committee by the good Senator from Penobscot, Senator Schneider. This regards, as the title says, the compensation of officers and directors of nonprofit corporations. I've had distributed to your desks, it wasn't quite ready to be distributed before and that is why I tabled it, just the Maine healthcare professional non-profit salaries. I was amazed to see the salaries of these non-profit CEO's. The hospitals in my area of central Maine are aggressively purchasing doctors that will work just for them. They are purchasing other hospitals. They are trying to purchase rural health centers. They are also very aggressively lobbying, as they should, that their reimbursements aren't high enough. That they are owed money from back years, which I am not disagreeing with. The Majority Report says that we are going to address this problem by making their salaries public. I didn't feel that went far enough. Maine Biz has been publishing these salaries now for four years and yet the salaries continue to go up and up and up. The other thing in my research on this bill, I am very impressed that hospitals in Hancock county

and Aroostook county, and the hospital in Farmington seem to be able to manage those fine hospitals by paying CEOs salaries that are much, much less. We're looking at salaries here of \$984,000 and \$747,000 and \$648,000 and \$527,000 to run various hospitals. The original bill said that it would limit their salaries, their compensation to \$250,000. I've increased that to \$300,000, trying to be extra generous I would say. We've got a lot of state general fund money that goes to these hospitals, these non-profit hospitals and I'm just hopeful that this Minority Report that I'm on might help to make sure that that general fund money that goes to these hospitals actually, a larger percentage of it, goes for health care and for paying the nurses and support staff and less of it goes toward paying salaries that really are out of line in my opinion. Thank you.

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

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

Senator **HASTINGS:** Thank you, Madame President and members of the Senate. The issue that this bill has highlighted is a real one. I'm going to ask you to support the Majority Report and let me quickly state the difference between the two. The bill that came before us initially asked to limit the salaries for public interest non-profit corporations to \$250,000 a year for its officers and directors. A public interest non-profit was defined as one that received more than 25% of its funding from state and federal government sources. Quite honestly I think the committee does believe that, especially in the healthcare field, salaries for chief executives at our largest hospitals are becoming to most of us what appear to be excessive. I wonder does it require a million dollars to run any hospital in Maine, a million dollar salary? But on the other hand I cannot see our committee or this Body substituting its judgment for those boards of trustees that have made those decisions. You've got to recognize these boards of trustees are made up of some of the brightest and best people in their local communities. They haven't done this lightly, setting these salaries. The problem is, and I think it's a problem in both the for-profit corporations and now it's becoming a problem in the non-profit industry and it's what I call boot-strapping. Compensation committees don't know what to pay their CEO, they don't know what's fair, so the way they start is they start comparing themselves with the next hospital. Everybody starts putting themselves into a pecking order. I don't know what the highest paid salary is in New England, it may be Mass General or something like that, then everybody places their hospital into a range where they say 'well, we're smaller than this one and bigger than that one, so therefore our salary range will be in between those two.' Then, at the end of the year that hospital at the top sees that everybody else has ratcheted up a little bit so they go up and say, 'We were 10% ahead before.' It reaches a point where I believe it goes beyond what is necessary what we should be using public funds to support by way of a salary. I think the boards of trustees are forced into doing this because they do need to acquire the best and most highly skilled people they can. We can't do it with a mandate. I think the only way we can do it is through the court of public opinion and this is a start. This salary information is already available or you wouldn't have this hand-out that you have. But it's pretty hard to find, it's through IRS 990

reports and if you know how to find those you're smarter than most., but they can be found. All the bill does now is say that for any non-profit, the Majority Report says that for officers and directors only public interest non-profit corporations that receive more than \$250,000 a year in annual compensation, that compensation will be made available, essentially, on the web site of that organization since they all have it. It's a start. I think it just makes these salaries more transparent and if the court of public opinion is to have any effect on this we need this transparency. So I urge you to support the Majority Report. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. I stand in support of the Majority Report this afternoon and what I would like to say, by way of comments, is unfortunately this material is so old that I can tell you that Norman Ledwin hasn't been the President of Eastern Maine Health Care in quite a long time. I will also tell you that not all of these people are administrators. Some of them are considered healthcare professionals; they are surgeons and they are anesthesiologists. I don't see anywhere here where they tell you how much money they have to pay for liability and malpractice insurance in order to be able to move forward. So, I'm not sure if you have limited this to people that you consider administrators or if you're going to be taking aim at some of the doctors that we have coaxed away from other places to come to our state to provide the services that they do, or which one it is. Again, if someone could please answer that for me. I would like to know how deep we are going into this and again I wish that there had been updated material given to us, this is 2004. I have no idea what the figures would look like today. Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from York, Senator Hobbins.

Senator **HOBBINS:** Thank you, Madame President, men and women of the Senate. To respond directly to the question from the good gentle lady and colleague from Penobscot, Senator Plowman, the amendment that is before you, as the good Senator from Oxford mentioned, replaces the bill. In the amendment it essentially is strictly a transparency amendment that requires that every public benefit non-profit corporation organized in Maine publicly disclose the compensation of directors and officers that receive at least \$175,000 if the corporation receives at least 25% of their funding from a public source. Now the compensation threshold includes all remuneration and benefits for carrying out the responsibilities of being a director or officer, excluding the provision of a motor vehicle insurance, housing allowance and the amendment also states that the housing allowance may not exceed \$20,000 per year and the compensation threshold does not include compensation to a person who receives for employment by the corporation, in a position other than an officer or director. I think that would clarify that situation.

Just to add to what the good Senator from Oxford stated, the requirement of this bill is much different than the original intention, which I think was a good bill to have before us in order to at least have a good, healthy discussion on this whole particular area of compensation. Essentially what the bill is going to do is it's going

to require that the entities, the non-profit entities who meet the threshold will have to put on record, on their websites, for a matter of transparency the form 990 that is filed with the Internal Revenue Service on an annual basis, along with all of their other returns to the Internal Revenue Service. Basically that's what the committee thought would be the best approach to take, although the good gentlemen and my colleague, Senator Nutting, is sincere in his beliefs and made a very articulate presentation to our committee, as he has today, and it's an issue for consideration and debate but quite frankly the committee thought that transparency is a good start to allow for the tax payers to understand the compensation that is paid with respect to these entities. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I want to first extend my thanks to the Committee on Judiciary for their outstanding work. This bill had many work sessions after its public hearing. I wanted to let you know the kind of nationwide discussions that have occurred because of this particular piece of legislation. I have actually received a call from the Department of Health in New York state. I know that folks in California have been discussing this bill. This is a nationwide issue and it's one that has been discussed even at the federal level about excessive compensation for administrators. It's one that is a frustration to me because I see other workers in the same organizations getting paid very small wages for the hard work that they do. This is not in any way an attack on non-profits, it's just stating that if they receive more than 25% of their funding source from tax payer dollars then it's our fiduciary responsibility to scrutinize that and to say when there seems to be an out of line compensation being given to any one or small group of top administrators. It's putting a check and balances procedure in place to have that discussion. Though I appreciate the support of my good colleague from Androscoggin, Senator Nutting, I do support the majority ought to pass as amended report. I think it's a fine amount of work that has been done on this to try to achieve additional transparency for this piece of legislation and to talk about salaries. I did want to just share with you a conversation that I had at the beginning of the first year of this session when we were in the other Body electing our constitutional officers. It was after I put the bill in and was just starting to learn about the high wages of some of the administrators in the healthcare field. I said to one of my good Senate colleagues on the other side of the aisle, 'You know, you could do this particular job at one of the major hospitals.' And he sort of looked off and he nodded yes. And I said, 'And Senator, we could get you for \$10,000 a year.' Now this is somebody who is fully capable. My point to you is only this, sometimes we believe that we have to pay these astronomical salaries in order to get good quality people. I think we know from the good quality people that we have under this dome, willing to serve the people of the State of Maine that that is not the case. In fact, we are responsible, and boards of directors are responsible, for recognizing that we don't have to drive the costs of healthcare, or any non-profit, up. We must maintain fiscally sound and responsible policies within our non-profits, so this is why when we scrutinize what each and every one of us makes here, this is one of the things that I think we need to look at. When public funds are being spent on any particular organization we need to keep

track of how those public funds are being spent and we need to recognize that perhaps we need to be a little bit more frugal in the way those funds get spent. So that's where this bill was borne from. I appreciate the good work of the Judiciary Committee, they have done outstanding work, it has raised a good level of debate and conversation and hopefully it's one that will continue. Thank you.

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

Senator **NUTTING:** Thank you, Madame President. I just want to briefly remind the members of this Body that we do have hospitals today in Aroostook, Hancock and Franklin counties that are being very professionally run and the salaries of those CEOs are far less than \$300,000 a year. I just want to leave you with a question, if some hospitals can why can't all of them? Thank you.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Since I first saw this bill, and during the ensuing discussions that we have had about this bill in our caucus and indeed here on the floor today, two nagging questions continue in my head. Why do we need this and what are we trying to get at? I think I can understand what we are trying to get at now. Why do we need to do that? A lot of the discussion today has been on the issue of hospitals and compensation of either CEOs or highly paid individuals within a hospital and how it would drive the healthcare costs, or how it perhaps, either intentionally or unintentionally drives the healthcare costs in Maine. This bill is not restricted to hospitals. This bill in fact would impact any non-profit organization that receives public funding. I am particularly sensitive to that because in my district there is a rather famous scientific research laboratory that competes throughout this world. Not simply competes in Maine or New England or in this country, but competes worldwide for its scientists, for its administrators to maintain the excellence that it has sought and that quite frankly it has achieved to place itself in the global position that it is in. I'm worried that this particular bill, either intentionally or unintentionally will have an impact on how that laboratory can continue to do its work. If our issue is that we don't want people making too much money, whatever that figure is, there are 35 of us so there may be 35 different answers to that, then perhaps we could limit any public money that we provide to those institutions and not allow it to be used for compensation purposes for employees. I don't think that was part of the bill and I didn't sit in on all of the hearings on the bill and I don't know if that was discussed. If that is a concern that we have I would ask that we consider that.

Next I would worry about other non-profit institutions and whether or not we continue to move this real or imagined compensation limit around. Do we impact our schools, for instance? Or our universities? I am very uncomfortable with this particular bill and maybe I am even uncomfortable about what it intends to do. I do look, from time to time, at publications that publish salaries. Having come from the public school field in a previous working life I knew that my salary was published in the town report. Everybody saw what I made, that \$14,000, and they drooled at it, but it is available. It is also available in a document that a portion of which was photocopied and distributed today to

this Body. Those kinds of salaries are available and if we are concerned about that it's my opinion that we would contact those institutions, that we would contact those boards of directors, that we would contact those administrators and say that we are concerned about that. But I don't know, I'm yet to be convinced that we need to have a public law that addresses these compensations. That's my concern. Thank you, Madame President.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I find myself on the same side of this issue as the good Senator from Hancock, Senator Damon. I look at this list, and while it is dated, the CEO of Maine Medical Center is at its top. And by the way he is no longer in his job, he left a month or so ago. But when the board of directors sought to recruit him they went through a national search and settled on him and he has served the hospital for 11 or 12 years, if not for a longer period. I'm not sure of the exact metrics of Maine Medical Center, but they have several thousand employees, they are national class if not world class in a variety of different practices, have gotten quality awards for excellent delivery of medical care from a variety of evaluating institutions. I think by any measure Maine Medical Center is highly regarded and highly thought of. Whether you care to acknowledge it or not the reason for that usually flows from the top and permeates down through the organization, because your top person typically recruits and develops those underneath him and sets the tone and the standard for the organization. So I would suggest to you that in the case of their CEO he has been well compensated and as they go through a search to replace him they will do a national search and whether we publish their salary or not I think they will compensate the next person by competing for national talent and we should encourage and celebrate that. When they get the right people all of us as citizens benefit. I'm reminded of an effort nationally, I think it was in the 80's, where it sought to limit the benefit of corporate executive salaries to a million dollars or less. If the salary went over a million dollars you could no longer deduct it as a business expense and it was believed that that would limit the compensation growth of executives in publicly traded corporations. Well guess what happened? Just the opposite happened because while salaries grew modestly over the ensuing period of time compensation executives got very clever and went to stock options. So if you were Jack Welch of GE you got a couple of million dollars a year in salary and maybe \$300,000 or \$400,000 in benefits and \$40 million or \$50 million a year in stock options. If you were fortunate enough to be a shareholder in GE during Jack Welch's time you cheered them on because you made a lot of money along with Jack Welch. I think ultimately the market should decide these things and will have to decide them. I don't think they are the province or purview of legislative bodies, whether they are in Maine or in Washington. Typically when you do meddle in things for which you do not have a very good understanding you end up getting in the way of the people who are providing the oversight and review for an organization to make sure that it operates in a fiscally prudent and proper way, while ensuring that it can properly deliver on its mission. I stand opposed to the Majority Report and if the Minority Report is put forward I will oppose that as well. Thank you very much.

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

Senator **RAYE:** Thank you, Madame President. In addition to the concerns that have been raised by Senators Damon and Turner I have a concern with this as well. I read through the amendment and if I read it correctly this would apply not just to those non-profits who receive perhaps 25% of their funds from the state, but we would be imposing, as a state, the same requirement on non-profits that receive 25% of their funding from the federal government. I just would like to pose a question through the chair if I could. If I am, in fact, reading that amendment correctly because that troubles me. If I could also get an answer to the question of how it was arrived at that 25% would be the threshold for triggering? Thank you.

THE PRESIDENT: The Senator from Washington, Senator Raye, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. I can answer at least one of your questions. You are correct that the definition of a public benefit corporation is a non-profit corporation that receives at least 25% of its total funding from one or more, not just state, but municipal, county or federal sources. Why the 25%? I don't know where that number came from. Initially I think it came from the initial bill I believe as per the Senator from Penobscot, but I think the intent of the number was any non-profit that receives reasonable substantial funding from government sources. Why 25%, I cannot answer that. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. Yes, I felt that a quarter of the funding coming from tax payer dollars seemed to me that the public has a right to say, or at least have some kind of mechanism for holding the costs down. You know the court of public opinion, the reason why I support the majority ought to pass as amended report, I think is a pretty strong mechanism for at least keeping the debate open and at least having the public able to see what is being paid in a very accessible and transparent way. I certainly do not think that the majority ought to pass as amended report is onerous in any way. It's simply asking that on the website of the non-profit, if they exceed the \$175,000 in compensation for pay, and they are an organization that receives more than a quarter of their funding from our tax payer dollars, that the tax payers can easily see where their money is going. It's different than a General Electric or a for-profit business. This is a non-profit business that is supposed to be serving the public good. Non-profit organizations are receiving a benefit from all of us by not having to pay taxes, and then on top of it they are receiving our tax payer dollars to help fund the work that they do. This is not a reflection on the good work of non-profits, I commend non-profits. I have volunteered for many non-profits and I still do, but most non-profits operate on a shoestring. Most non-profits, the ones that I have served on, every single person is engaged in doing this work for absolutely as minimal a cost as they possibly can because they believe in the work that they are doing for the good

of the people that they are serving. For the good of their communities. It is when a non-profit starts to act and behave more like a for-profit business that is what is of concern to me. This amendment I felt was a very good compromise. It at least enables the people of the State of Maine, the tax payers, to see the way that some of their tax payer dollars are being spent in a transparent way. So, I hope that you will support the pending motion because it's one in which it's supportive of the tax payers of Maine. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Hobbins to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-532) 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 (#380)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, COURTNEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NASS, PERRY, PLOWMAN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, WESTON

NAYS: Senators: BRANNIGAN, DAMON, DIAMOND, DOW, MILLS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: GOOLEY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HOBBS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-532) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)**.

Ordered sent down forthwith for concurrence.

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

Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry (EMERGENCY)
S.P. 860 L.D. 2228

Tabled - April 4, 2008, by Senator **COURTNEY** of York

Pending - motion by Senator **SCHNEIDER** of Penobscot to **ADOPT** Senate Amendment "A" (S-551) to Committee Amendment "A" (S-522)

(In Senate, April 4, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-522) **READ.** On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "A" (S-551) to Committee Amendment "A" (S-522) **READ.**)

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. Just a reminder, I think what this amendment does is now transfer this activity from the highway table to the appropriations table. Just to remind everybody before they vote that the fiscal note on this is \$3.4 million in the current year and \$2.9 million in the next year. This is now going to the appropriations table if you support this. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I just want to be clear that it would come from a transfer from the budget stabilization fund. That's a little bit different than the general fund. I just want to make that absolutely clear that it would be coming from what is more commonly referred to as the Rainy Day Fund. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Adopt Senate Amendment "A" (S-551) to Committee Amendment "A" (S-522). 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 (#381)

YEAS: Senators: BARTLETT, BENOIT, BRANNIGAN, BRYANT, COURTNEY, DOW, HOBBS, MARRACHE, MARTIN, NUTTING, PLOWMAN, RAYE, SCHNEIDER, SHERMAN, SMITH, SULLIVAN

NAYS: Senators: BOWMAN, BROMLEY, DAMON, DIAMOND, HASTINGS, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: GOOLEY

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SCHNEIDER** of Penobscot to **ADOPT** Senate Amendment "A" (S-551) to Committee Amendment "A" (S-522), **FAILED.**

Committee Amendment "A" (S-522) **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Monday, April 7, 2008, at 10:00 in the morning.