

MAINE STATE LEGISLATURE

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

Daily Edition

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

Pages 1760 - 2135

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

In Senate Chamber
Friday
April 11, 2008

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

Prayer by Reverend Kathi Smith of Bread of Life Ministries in
Augusta.

REVEREND SMITH: Let us pray. Creator God, we gather this day before You, thankful for the first signs of spring. We are grateful for the slowly melting snows, the warm rays of sun, and the first shoots of green, promising warmer days ahead. Let these signs remind us that, just as the flowers are growing beneath a mantle of snow, You are at work bringing life and growth in our lives even when there is no visible outward evidence. We give special thanks this day for the life of Sgt. Nicholas Robinson and all others who have given their lives in service of our country. We acknowledge that some sacrifice much on our behalf. We pray for the comfort of his family and all families who mourn the loss of their loved ones, whether they are Afghani, Iraqi, or American. We long for just peace and we pray for those leaders who are working for a resolution that would bring peace and prosperity to the families who have lived in a state of war far too long. Bless the work of this day, the leaders gathered here, and all who labor on behalf of the people of this state. Give them wisdom, compassion, and courage. Let us remember that You ask three things of us; to act justly, to love mercy, and to walk humbly with You. Amen.

Reading of the Journal of Thursday, April 10, 2008.

Off Record Remarks

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The members of the Richmond High School Boys Basketball Team, who won the Class D Western Maine Basketball Tournament. We extend our congratulations to the team on its achievement;

SLS 596

Sponsored by Senator BENOIT of Sagadahoc.
Cosponsored by Representative: BERRY of Bowdoinham.

READ.

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

Senator **BENOIT:** Thank you, Madame President. I have as guests with me today three teams and their coaches. I'd like to just tell you a little bit about them. Richmond High School Girls Soccer Team, after completing a 12 - 2 regular season, the Lady Bobcats beat Greenville 3 - 1 in the Western Maine Championship game. Nine days later the girls beat Ashland 5 - 2 to capture the State Championship. This is Richmond Girls Soccer sixth state title.

The Richmond High School Boys Soccer Team, known as the Bobcats, lost one game and tied one other while working their way to a 12 - 1 - 1 record, defeating Vinalhaven 3 - 1 in the Western Maine Championship game. The boys headed for their third straight state championship appearance. This time the Bobcats were not to be denied as they beat Ashland 3 - 1 to capture a long awaited title.

Richmond High School Boys Basketball Team, after completing a 12 - 1 regular season, the Bobcats came into the tournament as the number one seed, beating number eight and number four seeds respectively. Richmond faced long time champs Valley. After eight minutes the boys trailed by 17 points in one of the greatest comebacks in tournament history. The Bobcats had tied the game at halftime. Eventually they won by 5. In the state final the Bobcats were denied the championship by a last second shot but will always be known as one of the greatest teams in Bobcat history. Thank you, Madame President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the gallery of the Chamber the Richmond High School Girls Soccer Team; Stephanie O'Brien, Melanie Schanck, Elora Hixon, Amy Russell, Nicole Tuttle, Celia Carlton, Annie Welner, Sarah Williams, Alicia Rice, Rachel Scribblitto, Katelynn Turcotte, Shelby Hurley, and Briana Clifford. The Richmond High School Boys Soccer Team; Cameron Blake, Chris Holden, Brandon Lancaster, Tyler Hanson, Sam Carter, Walter Miller, Justin Pinkham, Tim Beckim, and Manager Nicole Lilly. The Richmond High School Boys Basketball Team; Sam Carter, Chris Holden, Brandon Lancaster, and Walter Miller. Would they please rise and accept the greetings of the Maine Senate.

Joint Resolution

On motion by Senator **MITCHELL** of Kennebec under unanimous consent on behalf of President **EDMONDS** of Cumberland (Cosponsored by Representative **HARLOW** of Portland and Representative: Speaker **CUMMINGS** of Portland), the following Joint Resolution:

S.P. 928

**JOINT RESOLUTION RECOGNIZING
PARKINSON'S DISEASE
AWARENESS MONTH**

WHEREAS, Parkinson's disease is estimated to directly affect approximately 7,000 adults and an unknown number of children and their numerous care providers in Maine each day, and Parkinson's disease is not just a disease affecting the elderly; and

WHEREAS, each Parkinson's disease patient requires in an average week an estimated 7 caregivers and, therefore, the number of people directly challenged by Parkinson's disease is about 50,000 each week in the State; and

WHEREAS, Parkinson's disease symptoms are not understood or well known by the general public, creating distress and danger in the lives of Parkinson's patients, especially in emergency rooms in the State's hospitals; and

WHEREAS, there is an urgent need to train, inform and educate public safety personnel, including those in charge of transportation in all of its forms, supervising personnel in State parks and public campgrounds, workers in emergency rooms, ambulance drivers and other emergency workers, police and fire prevention personnel, about Parkinson's disease; and

WHEREAS, there is also an urgent need to protect the lives of Parkinson's disease patients by training hospital emergency room personnel in the proper assessment of Parkinson's patients arriving at medical facilities; and

WHEREAS, there are only 2 movement disorder neurologists specializing in Parkinson's disease in Maine, which limits access for prospective patients and those 2 are in southern Maine, which is insufficient for the people in the rest of the State, who lack personnel trained in Parkinson's disease care; and

WHEREAS, the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Center are all established as a central resource at the Maine Medical Center campus in Falmouth; and

WHEREAS, there exists a network of 12 Parkinson's Disease Support Groups statewide: the Capitol area, the Greater Bangor area, the Southern Maine area in Biddeford, the Blue Hill area, Bath-Brunswick, Cape Elizabeth, Camden, Greater Portland, Lewiston, Oxford Hills in Norway, Westbrook and York; and a younger onset group in Brunswick and a Parkinson's Plus support group in South Portland; and

WHEREAS, April 11th is known globally as World Parkinson's Awareness Day and April is Parkinson's Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our support for all efforts being made by the Parkinson's disease community to close the gaps in services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the Maine Chapter of the American Parkinson Disease Association and the MaineHealth Learning Resource Center.

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 Change the Formula for Calculation of the Motor Vehicle Excise Tax"

H.P. 1633 L.D. 2270

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

RAND of Portland
CLARK of Millinocket
WOODBURY of Yarmouth
GOULD of South Berwick
CHASE of Wells
KNIGHT of Livermore Falls
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-974).**

Signed:

Senators:

PERRY of Penobscot
NASS of York

Representatives:

PIOTTI of Unity
PILON of Saco
LANSLEY of Sabattus

Comes from the House with the Majority **OUGHT NOT TO PASS**
Report **READ and ACCEPTED.**

Reports **READ.**

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

Divided Report

Six members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Reorganization of School Administrative Units"
H.P. 1646 L.D. 2281

Reported in Report "**A**" that the same **Ought Not to Pass**.

Signed:

Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
FINCH of Fairfield
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Five members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass**.

Signed:

Representatives:
NORTON of Bangor
MAKAS of Lewiston
SUTHERLAND of Chapman
HARLOW of Portland
FARRINGTON of Gorham

Two members of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815)**.

Signed:

Representatives:
McFADDEN of Dennysville
EDGECOMB of Caribou

Comes from the House with Report "**B**", **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-985)**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**.

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

SECOND READERS

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

Senate

Bill "An Act Regarding the Maine Economic Development Evaluation"

S.P. 926 L.D. 2317

READ A SECOND TIME.

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

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

HELD MATTER

Bill "An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products" (EMERGENCY)

H.P. 1576 L.D. 2209
(H "A" H-888 to C "B" H-872)

(In House, April 8, 2008, that Body **INSISTED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)** thereto.)

(In Senate, April 10, 2008, on motion by Senator **MARTIN** of Aroostook, **RECEDED** from **ACCEPTANCE** of Report "A", **Ought Not To Pass**, in **NON-CONCURRENCE**. On further motion by same Senator, **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)** thereto, in concurrence.)

Senator **DAMON** of Hancock moved the Senate **RECONSIDER** whereby it **RECEDED** and **CONCURRED**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**.

ORDERS OF THE DAY

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

Emergency

An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats

H.P. 1422 L.D. 2038
(H "B" H-947; H "C" H-954
to C "A" H-741)

Tabled - April 10, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY HOUSE AMENDMENTS "B" (H-947) AND "C" (H-954)** thereto.)

(In House, April 10, 2008, **PASSED TO BE ENACTED.**)

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

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

Off Record Remarks

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

An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry

H.P. 1554 L.D. 2184
(C "A" H-953)

Tabled - April 10, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)**, in concurrence.)

(In House, April 10, 2008, **PASSED TO BE ENACTED.**)

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

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

Senator **ROTUNDO**: Thank you, Madame President. I just wanted to clarify that there were a few bills that were put on the Special Appropriations Table that didn't need to be because they had been amended to remove their fiscal notes. That is why yesterday when the Appropriations Committee met we decided that we would take these off the Special Appropriations Table because they had no fiscal notes on them. Thank you.

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

An Act To Improve the Administration of State-Municipal Revenue Sharing

H.P. 1641 L.D. 2276
(C "A" H-951)

Tabled - April 10, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951)**, in concurrence.)

(In House, April 10, 2008, **PASSED TO BE ENACTED.**)

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

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 10:45 in the morning.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Promote Municipal Wind Generation Development"

S.P. 893 L.D. 2266
(C "A" S-579)

In Senate, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579) AS AMENDED BY HOUSE AMENDMENT "A" (H-986)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **BARTLETT** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/10/08) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Certified Professional Midwives"
H.P. 1616 L.D. 2253

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-935)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-936)** (6 members)

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

Pending - motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report, in concurrence (Roll Call Ordered)

(In House, April 9, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935).**)

(In Senate, April 10, 2008, Reports **READ.**)

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

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

Senator **MARRACHÉ:** Thank you, Madame President and men and women of the Senate. I stand before you asking for Indefinite Postponement. I don't do that to be mean, I just want to make sure people understand where I stand on this issue. I have a clear and convincing argument that certifying midwives is not necessarily in our best interest and I also have a concern with the Minority Report. If you look on your desk you will see many, many handouts. One of them is a purple colored sheet that was handed out by those in support of the Majority Report. What I would like to state is that there are three major issues with this bill. It was brought up that this was a turf war between doctors and midwives, that there are safety issues involved with this, and that medications are needed for safe deliveries. I want to address each one of these one at a time.

In terms of the turf war battle, I would have to say no one else does home deliveries but midwives at this point so there is no competition for home deliveries at this point, so I don't consider it a real turf war. What it is is a public safety issue. If licensure was going to be applied across the board, anybody providing home deliveries was going to be licensed, that would be a different story. This does not do that. It's not being applied consistently. You will still have women who will be providing midwife services without a license and then you will have those who will apply for the license. What you will have is confusion. We currently already have certified nurse midwives, CNM. If you don't want to have a nurse midwife you can have a family practice physician, like myself, delivery or you can have an obstetrician deliver if you'd like. You have many opportunities for delivery. If you have a nurse midwife, who is now a licensed certified professional nurse midwife, you are not going to know what the difference is between them and those who are not licensed. There are many things that are confusing out there. I can say that it happens even today. We have DO, MD, PA and we are all referred to as doctors. We sometimes have to remind people that a PA is not a doctor. People ask if we are DO or MD and what is the difference. We have confusion all around. We also have ND. We have all kinds of people doing the same things. What we would like to see is consistency. We would like to have not as much confusion.

The biggest is the safety issue. Childbirth has been around since the dawn of the human species. That's obvious because we're still here. What has changed is the safety of delivery of children. The infant mortality rate and maternal mortality rate has gone down significantly. We all got a book on our desk called Infant and Maternal Mortality. You should take a look at it because right in the very beginning they start in 1950 about the infant mortality rate at 29.2%. That was in 1950. You want to go back even further, before we started putting a lot more regulations on delivery in the hospitals and what doctors should or shouldn't be doing. Now we are about 6.8% and we're hoping to get to 4.5%. It is a significant difference. There is a reason for that. There are safety measures in place to make sure that we have safe deliveries of children and that they are cared for immediately. If you look at the next page, you have the maternal mortality rate. That was at a high level, above 60%. That has come down significantly. There is another reason for that. We are making sure that we are providing the best care possible for the woman during her pregnancy because maybe she might not die but we never know when a complication is going to arise during a pregnancy. You can always have a bad outcome with long-term chronic problems because of it. We call those issues that we have to monitor and take care of. If you are doing a home

delivery you don't have access to all that. You are not running tests. You are not having tracking of the fetus. You are not doing ultrasounds. You are not doing a lot of those things that were required or asked for by those performing deliveries in the hospital. We have a set of standards of practice protocols that are accepted by a number of organizations, ACOG and the American Family of Family Practitioners, all those who provide obstetric care. They work long and hard at providing what we can do to make sure our mortality rates of our women and our babies go down. They put that information out there. They are educating us all the time. We have to renew our licenses endlessly, every 10 years, or 7 years if you are not board certified in a long-term program. We have all the measures in place because of safety reasons. That's not necessarily the case here. What we currently are facing right now with certified professional midwives is that they could potentially be women who have not even gone to school. They can do apprenticeships. They can do self-study. They can then go out and pitch that they are licensed. We, as a state, are standing behind that their education is up to snuff. We have no idea where everybody is coming from. That is a big issue for me in terms of making sure that the public is aware of what they are getting when they decide to go with a nurse midwife.

I also wanted to talk about their medications. They are saying home births are going to happen whether we like it or not. We all know now that with oxygen and oxytocin, all of these things are important and we have access to them. We want to make sure that children are getting what they need. The problem is that we don't know what their educational component is for learning how to use this appropriately and when it should happen. There are still problems from it. You can give medication, aspirin even, and have huge complications from it. The same things could happen with these medications. I want to make sure those who are prescribing have the same educational background before they are allowed to do so.

One other huge argument is that if we license them we can track them. My big argument to those, and hopefully they will answer it when they come up to speak, is there is no way to track this because not everyone is going to be licensed. If you have women who are not licensed you are not tracking anything about when they are giving oxygen or medication. They could be getting it from out-of-state and delivering it. We have no idea.

The third one is the fact that doctors have to carry malpractice insurance. That's why I don't do OB any more. My malpractice insurance was enormous. I had to stop doing that and it went down nicely. A lot of doctors who are getting close to retirement will also stop doing it because it costs so much to carry that. What happens is that you have these women who can say that they have very safe deliveries and have the stats to prove it. They will show you that and I'm sure they have been arguing that. It's easy to do that when you remove any high-risk patient from your study. I could say I had the best patients in the world too if I turned over to another doctor every single one who developed a complication. I could say I had the healthiest patients because all the bad ones were gone. That is a problem for us, who gets it in the middle of the night when a lady shows up. She is having a bad outcome. She just shows up. We don't know who she is or what's been happening. I'm sure she can provide that information for us. Unfortunately if a bad outcome occurs who is going to be sued? Will it be the midwife who has no malpractice insurance, who has been there through the whole time? I'm sure they have a great relationship. You know, as a patient, they will lose their

house, their car, and their entire livelihood. Will it be the doctor who has malpractice insurance up to \$1 million or more? It's going to be the doctor. I ask you to support Indefinite Postponement. 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. The really truly positive experience I had in the Business, Research and Economic Development Committee was that each and every one of us did not deny that this practice was taking place. Each and every one of us acknowledged that we wanted to make this as safe as possible. It was unanimous, both in the Majority and Minority Report, that certain medications be provided to the midwives, the certified professional midwives, so that they could administer this in a safe and legal fashion. It would be absolute denial to say that we're just going to ignore this and turn our backs and pretend that this isn't going to happen. All the things that my colleague from Kennebec, Senator Marraché, said about risks are true. Midwives don't take the risky cases. They are in a Catch-22 because physicians who were opposed to any kind of home birth say they shouldn't take any kind of risky case and on the other hand they say that if they do take a risky case then they get stuck with it. They are in a no win situation here. She's even acknowledged that since the dawn of time women have been having midwives help them with their births. Long before physicians ever came into practice and it's not going to stop. If we choose to neither pass one or the other report we are simply denying this is occurring and we are denying them the safest way to help women with their births at home.

I want to talk a little bit about two experiences of good friends of mine; one who chose a hospital birth and one who chose a birth at home. The hospital birth was a very cold experience for my friend and it was one where she felt pressured by the hospital to get out as soon as her birth was finished because her insurance wouldn't cover her another day. The other friend, who had a home birth, had a wonderful experience, one that she will remember and treasure the rest of her life and will be able to share with her child in a very nurturing and wonderful way. Both of these are very highly educated women and they knew what the risks were. I think the one experience was far greater in its positive outcome than the other. You are not going to prevent home births from happening. The real question, and the one that we all have to grapple with, is do you want to make it legal and do you want to make it as safe as possible? Pure and simple. Certainly if something happens and a home birth ends up at the emergency room it's not going to change either way, whether we pass this or we don't. That will still occur. That argument is a very weak one.

The point I always come back to, and the reason why I supported the Majority Report, is that I would like to know when we're allowing medications to be given and when those are being given. That's why I supported the Majority Report. However, I also support the Minority Report because I would much rather make sure that a woman who chooses a home birth, which they will do unless we choose to make that practice illegal, which I think would be quite outrageous, let's make them as safe as possible and they have the authority to administer certain life-saving medications. It's my hope that people who want to make sure that this is safe will either support the Majority or the Minority

Report. Therefore, I hope that you will not support the motion to Indefinitely Postpone and move us along in this process to make sure that women who choose home births get to do this in the most safe way that we can possibly achieve. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of the motion before us and would frankly suggest to the members of this chamber that there is one person here who really understands what they are talking about. That is the Senator from Kennebec, Senator Marraché. I don't think we should be trying to energize this matter based on anecdotal stories and I think we risk putting the imprimatur of the State on home birth when it is inherently risky. I have a neighbor who manages and is a practitioner in an eight physician practice for OB GYN. His malpractice insurance runs \$100,000 a year. He doesn't do home deliveries. He does deliveries in a hospital. Even with that there are risks. The risks do not necessarily occur at term. They may occur at 28 weeks, 24 weeks, 32 weeks, and any weeks in between. There is a very good reason for us to have physicians involved and hospitals involved in births. I think the good Senator from Kennebec, Senator Marraché, has outlined those for you. I would ask you to think very carefully about this matter and urge you to follow the motion before us put forth by the Senator from Kennebec, Senator Marraché. Thank you.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. I heard the expression that there have been home births with midwives since the beginning of time. When I visit my family's plot in the cemetery I have to go through the old part of the cemetery. I wonder how many of you have noticed the notations on the stones that say, 'Mother and infant child'? Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I hardly know where to begin. First I'll start out by saying that the members of the Business, Research and Economic Development Committee, after listening to lots of testimony from physicians, midwives, from mothers who had had experiences with midwives, and mothers who had had experiences with physicians, toiled in earnest labor, as the Senator from Penobscot, Senator Schneider, said and 100% of us decided that something needed to be done. I respectfully object to the pending motion as disrespect for that.

Certainly people have rights to their opinions and I think the previous speaker is absolutely the best in the Chamber to speak about medical issues. However, this is not a medical issue. Birth is not an illness. Birth is a natural process. Women have been birthing babies with the help of other women for centuries. It is only recently that this has become medical. I might say, at great cost. I'll point out one minor statistic. The United States ranks 43rd in mother and baby outcomes. Cuba is 42nd. However, we spend five times more in OB care than any other nation does.

I really didn't want to have this argument on which outcome is the best because I think that is irrelevant. For my personal choice and my daughter's choice, I might hope that they might be in the best hospital in the world. However, there are women that don't want that. They want to have their child at home with a midwife. That isn't going to change no matter what we do in this Chamber. That isn't going to change. We had one woman come before us and said she didn't have insurance and is in a rural area. She didn't want to drive 20 or 50 miles to the hospital. She wanted to have her baby at home. One of the medical community, actually it was their lobbyist, got up and said, 'Well, this woman can get Medicaid. She doesn't have to worry about not having insurance. She can get on Medicaid and then have care in a hospital.' She didn't want care in a hospital. She wanted to have her child at home. We also learned that one of the reasons births have become safer is these anti-hemorrhagic medications that are often administered after the birth. The committee said that we basically wanted to make sure they had access to these things. Even oxygen, right now they can't even get oxygen for medical reasons. They have to pretend they are welders to get oxygen. I don't think we license football coaches but I know they get oxygen. Maybe they are welders as well.

You can hear anger in my voice. It's there. I'll tell you why. Every time a medical profession has come to the legislature to ask to be recognized the medical association has refused to acknowledge that it was a reasonable thing to do. Osteopaths, chiropractors, and nurse practitioners all had to fight their way over the objections of the medical associations. It was always said that they were concerned with safety. They were concerned with patient safety. I would respectfully suggest that it is not that at all. This is in fact a turf issue and it's very unfortunate.

The sunrise review showed public safety is not an issue. Initially they said they didn't need licensing because there is no danger. There is a great assessment process. Midwives do not take on high-risk births. People that make this choice do it with an informed opinion. There isn't confusion. If we have licensed midwives that is not going to make people run out and have home births. People are interested in home births. It's a pretty flat percentage. It's pretty much the same amount of women. Having a licensed midwife will not make someone go have a home birth. Also we haven't mentioned C-sections. I'm certain you have read about the predominance of them in hospitals and the haste in which the medical profession often moves to this issue. I wouldn't have gone there if the other arguments hadn't been raised. I just find it insulting when it's suggested that by licensing certified midwives, professional midwives, that it will confuse the public and they might simply have a home birth by mistake.

Right now there are three kinds of midwives. There are nurse midwives who work under the supervision of MDs. They do not and cannot perform home births. There are certified professional midwives who do home births. There are 26 of them in Maine. I believe there are 12 or 14 lobbyists in this room on the other side. It doesn't make any sense to me. I can't understand it. There are direct entry midwives. That's the page that you saw that showed they didn't need any education. There are three of them in Maine. They serve Mennonite and Amish women. They don't want to be licensed and we don't need to license them.

Home birth is going to continue as choice for women. Don't we have a responsibility to make it as safe as possible? The Majority and Minority Report only differ in one way. Thirteen members of the BRED Committee, after lots of deliberation,

agreed that these medications need to be in the hands of midwives. The only difference was the medical community did not want them to be licensed and those of us that support this bill did. We want them to be licensed because we want accountability. We want to know who is dispensing medications. We want to know it's being done properly. Also the pharmacies asked us to make it clear and unambiguous so that they would know to whom to dispense. I guess I'll summarize by saying Vermont licenses certified professional midwives, New Hampshire licenses certified professional midwives, and right here in Bridgton, Maine we have a school to train certified professional midwives. What a crime, what a tragedy it will be if in the home state where this school resides we're not able to license midwives. I'll ask you to defeat the pending motion so that we can go on and pass another version. Thank you very much.

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 York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I guess this was what I was afraid was going to happen. That we would get into a little bit of confusion between the bill coming from the House to the Senate. The good Senator from Cumberland outlined very clearly that the committee unanimously wanted to have the life-saving drugs available. I guess what I'm going to be doing is oppose the Indefinite Postponement so that we have an opportunity to hopefully eventually get to the Committee Amendment "B" which will give emergency medications to people that are out there delivering babies.

I'll just read a brief thing that was handed out by the Maine Medical Association on March 19, 2008. I'll quote a sentence of it, 'A strong grassroots effort to contact all 186 legislators is vitally important to our ability to pass the Minority Report.' You all have received this. It's been on your desks for probably a month. This is very, very important. I understand the concerns about the medications.

A lot of you met my grandson who came up the other day. I had one of the greatest experiences of my life. I was able to be in the delivery room. My daughter went into hemorrhaging and all of a sudden you hear the doctor say, 'I need the meds now.' He had them right there. Quite frankly, if she was out on her way to the hospital or without that type of care around her she could have died. For me, it's real simple. I absolutely don't believe we should be licensing midwives. I think that it sets an endorsement of the State that it is a safe practice and I don't think we have that much oversight over it. I absolutely think that if we make this medication available to the nurse midwives that are going to deliver these babies no matter what, and we can't stop this procedure that's been happening for the last thousand years, that they ought to be able to get those. I would encourage you to oppose the Indefinite Postponement and hopefully we'll get to the report that I'm not supposed to talk about.

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

Senator **BARTLETT:** Thank you, Madame President, men and women of the Senate. In listening to the arguments in opposition to the underlying bill and in support of the pending motion it strikes me that the arguments are targeted as an opposition to home births. For example, arguments with concerns that bad results will show up in an emergency room and a doctor will need to take care of that. That's happening now. That has nothing to do with the pending bill. Women will continue to have children and continue to choose to have births in their homes. There are people that this is a fundamental principle to them, they want to be in that environment and that atmosphere just as many women choose to be in hospitals. The question then becomes, if some women are going to choose home births with midwives, if something goes wrong, if there is hemorrhaging, if there is some bad outcome, will that result be better if medication is immediately prescribed rather than waiting until you get to the hospital? I would pose a question through the Chair, if I may?

THE PRESIDENT: The Senator may pose his question.

Senator **BARTLETT:** Thank you, Madame President. If something goes wrong and those medications are prescribed immediately at home are we likely to see better outcomes at the hospital than if those patients waited?

THE PRESIDENT: The Senator from Cumberland, Senator Bartlett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President. Yes, they would and if they are used inappropriately they could also make it worse.

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 support of the pending motion, mostly because of the Senator from Kennebec, Senator Marraché's testimony on safety. It's no doubt that people are going to continue to give birth at home if that is their choice but the safety factor is huge for me. We've heard testimony that the midwives may not take the high risk patients and how you determine that I'm not sure. I can only speak from my daughter-in-law's case. She certainly was not a risky patient. She's young and healthy. I happened to be at the hospital when she was giving birth. She had enlisted the aid of a midwife during the pregnancy. It was comforting. She also had a doctor. Everything was going fine. At the hospital, at birth, the baby ingested a bunch of fluids. It was chaotic to see the staff run around, pump out these liquids from her lungs, and put her in proper care. If was frustrating for the mother. The baby was removed immediately. Within hours she was transferred to Portland and was there for two weeks. For me, I hate to think what would have happened, even five minutes away from the hospital, if that situation had happened at home. I'm in support of the pending motion. Thank you.

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

Senator **MILLS**: Thank you, Madame President, men and women of the Senate. One of the first things I asked for when this bill began to circulate was what they called the sunrise report, which is the study mandated by our law at any time when there is a proposal for licensing a new profession or a new set of skills. I've read it several times and found it interesting reading. The sunrise report concluded that there was no cause for adopting this measure. One of the points that is made several times in the report, and I think it's a valid one, is that when seeking the regulation of the State of Maine you can't have it both ways in this sense. You can't say that this is a natural process that is not dangerous, that can be done at home, that requires no regulation and then in the next breath say that it is a profession that doesn't need to be licensed or regulated and restrict admission to the profession. For years, or decades, there has been a dispute in medical circles about whether attending birth is the practice of medicine. This isn't peculiar, by the way, of medicine. We have these disputes in the legal profession about whether preparing deeds or something is the practice of lawyers and all of that. It's endemic to professionalization.

I think it's safe to say that the midwives and those who advocate for home birth have won that discussion. Whether properly or not is a debate for another day. They have succeeded in fending off any effort to say that the attending of delivery should be regarded as a medical service and therefore is prohibited by current law that restricts medical practice to those who have certain licenses. They've won that battle, and so successfully that they now feel comfortable in coming forward to say that they now want a certificate from the State of Maine acknowledging who they are and the levels of controls that we have imposed on themselves. The problem is that this does not justify State regulation. Asking to be certified, having a certificate on the wall, or having the seal of the State of Maine on a plaque that endorses your profession is not a legitimate reason to come forward and ask for the State to regulate you. I am not here to say that we haven't done this. I am here to say that it's improper and that the standards that we have applied through legislation to the sunrise review process reflect that set of values and it is for that reason that the sunrise review concluded that it was inappropriate for the State to set up a regulatory process for this particular profession.

I guess the bottom line is either we should be making it illegal for people to engage in the practice of medicine by attending births and then create a licensure system for those who have the requisite skills, training, and ability or we should be saying it's not the practice of medicine to attend a birth and continue on with the regime that we now have. Every other profession is treated very much this way. It is illegal to practice or hold yourself out as a certified accountant, to pull teeth and hold yourself out as a dentist, or to hold yourself out as a lawyer and start going into court on behalf of people. Lord knows some of you could do a better job than some in my profession, I concede. Nevertheless, we have these rules that are arguably for the protection of the public. If we're not going to set up a regulatory regime it seems to me inappropriate to say that, nevertheless, we will be issuing a certificate that they can put on the wall that says to the public that there is safety there. I don't think we should be in that business. Thank you.

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

Senator **SNOWE-MELLO**: Thank you, Madame President and ladies and gentlemen of the Senate. I hadn't intended to speak on this bill but I just got an e-mail from a doctor at CCMC, Dr. Miller, and he supports, and I support, the Senator from Kennebec, Senator Marraché. I believe that we are heading down a very dangerous situation right now. We've come a long way since the 20th Century. A long way. I believe even in a hospital setting you can encounter a difficult situation. Imagine a midwife delivering a child where their shoulder gets stuck in the middle of the birth canal. What will that person do right there and right then? I just think we're embarking down the wrong road. I believe that we've come a long way in saving the lives of the mother and the baby. Years ago either the mother or the baby or both would pass away. Now we've really cut down on that mortality rate. We have wonderful healthy births but there are really huge complications and that, I believe, these need to be done in a hospital setting. I urge you to please vote for the pending motion. Thank you.

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

Senator **BROMLEY**: Thank you, Madame President, men and women of the Senate. I agree with the good Senator from Somerset, Senator Mills, when he said we don't need to license at the existing scope of practice. The sunrise review was quite clear about that. There is no evidence of danger. There is no public need for safety. There is no need to license. However when we add medications to that picture it becomes a different picture. As a legislator I don't want to be enabling people to dispense medications without the oversight of the State. That is the difference. It isn't to make them real. It isn't to suggest that they are safe. It's simply the vehicle to get them access to life-saving medications. As I'm listening to the debate, it seems to be a debate about home birth versus hospital birth. That hospital birth is safer. Let me concede that to you. Let me say okay it is. Home births are continuing. That's the point that we need to be real about. They are not going away. It's a static percentage of women that choose home birth. What is our responsibility when we know that if they have access to life-saving medications the outcomes are better? We know that and we also know that people are going to have home births. This argument about they ought to be in a hospital is interesting but is frankly irrelevant. Home births will continue. Home births have been looked at as safe by anybody that looks at them.

I was going to save this, but I'm going to tell you right now. The Maine Primary Care Association sent us a note about their opinion and their support of the Majority Report. I have been asked not to circulate this because they have received some pressure, their words, to back off their position. Here's what they say, 'The Maine Primary Care Association supports the Majority Report in L.D. 2253. The public health imperative of authorizing certified professional midwives to possess and administer a limited number of noncontrolled prescription medications in the course of the practice of delivery are findings supported by both the Majority and Minority Reports of the bill.' They support that. They note the documented stellar record of CPMs within their scope and they reference the sunrise review report. They go on to say that some women, no matter how small a segment of the population and whether by personal or religious conviction in Maine, will continue to choose home birthing. The Maine Primary Care Association, this is a past statement and you can't think of it

as their current position, 'Sides with the added regulatory control found in licensing. If given the authority and responsibility of the prescription medications necessary to birthing process so to should CPMs be subject to accountability found through an appropriate licensing body.'

I can't think of what else to say or I would say it. Home births will continue for a small percentage of women. We have before us an opportunity to make them safer. This is not a discussion about whether they ought to be birthing at home or not. They already are and they will continue. The choice to us is do we want to use the mechanisms available to us as legislators to make it safer. I hope that you will join me in opposing the pending motion.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I would acknowledge that with or without this legislation home births will continue. I recall many years ago when I first became a manager and I went to the boss and I said, 'You know something, I'm not needed 90% of the time.' She looked at me and said, 'You are right. I pay you for the 10% of the time you are needed.' That makes all the difference in the world.

The Senator from Kennebec, Senator Marraché, the Senator from Cumberland, Senator Diamond, and I have an appreciation for the education and background of physicians. Typically they graduate from a college four-year program, probably magna cum laude or summa cum laude in their class, having studied in one or more of the sciences. They go to medical school for four years. They typically follow that with three years in residency with an additional three years in internship. Then they are practicing medicine and delivering babies and doing other procedures. I would contrast that with a correspondence course, a self-study course, an apprenticeship, or going to a school in Bridgton, Maine, the medical center of the universe, to get training as a midwife.

If my children asked me, 'Where do you think I should have my child birthed and by whom?' I think the answer is pretty obvious based on what I am saying to you. To do anything to encourage home births, in my judgment, is a mistake. While at the same time I acknowledge that it will continue, I would also, for the same things I have cited with respect to the background of a physician, want medications administered by somebody with that background as opposed to somebody who has less experience and less knowledge and understanding. It is a matter of safety and an important one. Again, I encourage you to support the pending motion. Thank you, Madame President.

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

Senator **PLOWMAN:** Thank you, Madame President. As a mother of three, I will tell you that my pregnancies were not high risk. They weren't all that difficult. With the first one my son almost died. In the second one I almost died. In the third one my daughter and I almost died. All from unforeseen instances and all these things happened within five minutes. In a home birth when something goes wrong my question is, if you have a child with Cerebralpalsey, if you have a child who ends up without a mother, or you have a husband who ends up raising children after his wife

and his daughter die, where is the liability medical malpractice policy that helps to make this family whole? Thank you.

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

Senator **HASTINGS:** Thank you, Madame President. I just want to respond briefly to the Senator from Cumberland, Senator Turner. Yes, Bridgton is not the medical center of the world. Let's separate this. No matter how you are going to vote on this, yes, there is a midwife school in Bridgton. They are, licensed or unlicensed, attempting to train their midwives. You may not feel that this is appropriate, but let's not cast dispersions on the efforts of those people running and attending med school. I know that was not the Senator from Cumberland, Senator Turner's intentions but I just wanted to make that comment. Thank you very much, Madame President.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I have, like I suspect a lot of you have, really struggled with this issue. I have a tremendous amount of respect for the good Senator from Kennebec, Senator Marraché, and other physicians. My neighbor in my hometown is an OB GYN that has had a couple of supposedly bad hand-offs from unforeseen circumstances happening. In listening to the debate, I'm struck by what was said earlier by the good Senator from York, Senator Courtney, and others. These births are going to continue to happen at home due to personal reasons, due to religious reasons. I haven't been sure until now how I was going to vote. After listening to this excellent debate, weighing everything, I think the best thing I can do is to support the Minority Report by opposing the pending motion and at least give those who are, whether or not we like it or support it, going to have their child at home a few more tools to help them in that effort. Thank you.

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

Senator **MARRACHÉ:** Thank you, Madame President. I guess I'm glad I heard that last comment because I wasn't going to speak again. Now I'm going to. We've been hearing about the State of Maine and our responsibility to make sure that all these deliveries are safe and that's why we are going to do this. My biggest concern is not whether you are having your baby in the hospital or who has the best education. That's not my argument. I tried eliciting that in my first argument. What you need to really think about very clearly is if we're going to have the responsibility to make sure deliveries are safe and that vital oxygen and medications are given, licensing them with this bill does not assure us that people who are not licensed aren't still going to go and get it. Unfortunately, it's still inconsistent. Please tell me, whoever can, what will happen to those who are not going to be licensed, for whatever reason, but then still go out and get these medications or oxygen and deliver it without a license? Are they being tracked? Are they being followed? Are they going to be in trouble with the law? If not then we have done nothing to equalize the playing field here.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. In response to the question, I assume people that have drugs illegally will suffer the same consequences of any other people that have drugs illegally and that this bill will give access to a certain number of medications to those that are licensed.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Marraché to Indefinitely Postpone the Bill and accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#425)

YEAS: Senators: BRANNIGAN, DOW, GOOLEY, MARRACHE, MCCORMICK, MILLS, NASS, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, HASTINGS, HOBBS, MARTIN, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **MARRACHÉ** of Kennebec to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Accept the Minority Ought to Pass as Amended by Committee Amendment "A" (H-935) 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 (#426)

YEAS: Senators: BARTLETT, BOWMAN, BROMLEY, DAMON, MARTIN, MITCHELL, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

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

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report, in concurrence, **FAILED**.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "B" (H-936) Report.

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

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

Senator **MARRACHÉ:** Thank you, Madame President, men and women of the Senate. I will be opposing this not because I don't want them to have the medication but because they are not going to be licensed. We're now opening the door for everybody without a license to also start giving medications. That is a very slippery slope to be going down, folks. Wait until you start getting a lot more people trying to give medications. You have nothing to stand on. 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 hope you will support the Minority Report. This was really worked very hard in the Business, Research and Economic Development Committee. Though I would prefer licensure, I absolutely believe that we will be making this safer by passing the Minority Report. I hope you will join us in supporting this motion. 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. It's been a little while since I read this, so with your permission I'd like to read it again. It's from the Maine Medical Association, dated March 19th. For those of you who are concerned about the medical community being opposed to the Minority Report. 'A strong grassroots effort to contact all 186 legislators is vitally important to our ability to pass the Minority Report, a compromise that is supported by the Maine Medical Association.' Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "B" (H-936) 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 (#427)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARTIN, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BRANNIGAN, DOW, MARRACHE, MCCORMICK, MILLS, MITCHELL, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "B" (H-936) **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 "B" (H-936)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Implement the Recommendations of the Governor's Task Force on Passenger Rail Funding"

H.P. 1403 L.D. 2019

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-906)** (8 members)

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

Tabled - April 7, 2008, by Senator **DAMON** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 4, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)**.)

(In Senate, April 7, 2008, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-906) **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.

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Ensure Fair Wages"

S.P. 604 L.D. 1697
(C "A" S-452)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-452)** (8 members)

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

Tabled - April 7, 2008, by Senator **COURTNEY** of York

Pending - motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452)

(In Senate, April 7, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-452) **READ**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452) **READ**.)

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452) **ADOPTED**.

On motion by Senator **DOW** of Lincoln, Senate Amendment "B" (S-586) to Committee Amendment "A" (S-452) **READ**.

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

Senator **DOW**: Thank you, Madame President. I have two amendments. They don't do the same thing but the results are the same. The attempt is to strip out all the additional extras that are in the minimum wage bill so that the discussion centers around the increase of the minimum wage. This particular amendment didn't get many headlines even in the committee because it just simply said to repeal sections such and such. The parts that are repealed have to do with exemptions that are now on the books for minimum wage and overtime. They deal with

both the restaurant industry and the hotel industry. That will keep, if we accept this amendment, everything status quo, the way it is, and allow the exemptions that do exist to continue in both of those industries. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. With all due respect to my good colleague, and I will actually later be supporting one of his amendments, I don't support this one. It is accurate to say that there was no opposition to these exemptions being changed in the law. They are pretty antiquated and pretty old and deal with domestic servants, governesses, and folks who are working in a home from a different era. There was no opposition. We did talk about it. In the committee there was nobody speaking too clearly about why they wouldn't want to get rid of these. I would ask that we defeat this motion and move to the next amendment.

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

Senator **DOW:** Thank you, Madame President. This amendment would say that if we hire the local kid down the street to mow the lawn for us we have got to pay him minimum wage even if he's only 14 years old or even if he's only using one of the old fashion reel-type mowers where we want some trim done. They may be old fashioned and antiquated, but they are in there for a reason. The attempt is to get this bill down to where we can have a simple discussion on just the minimum wage part. I would ask you to support me on this part of the bill.

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

Senator **STRIMLING:** Thank you, Madame President. I appreciate the good comments, but they are incorrect. This would not include somebody who is coming to mow your lawn occasionally. It is somebody who is a regular worker in your home. I will read the federal definition because that is the definition that the state uses. Let me make it clear, this is somebody who is regularly doing these jobs, not somebody who occasionally comes and shovels your walk or babysits or anything like that. 'The term domestic service employment refers to services of a household nature performed by an employee in or about a private home. The term includes employees such as cooks, waiters, butlers, valets, maids, housekeepers, governesses, nurses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use.' These are all people who are doing this on a regular basis. This is not folks who are just coming to do a little bit of work here and there. I would ask anybody if there are any folks on there who they think should be earning below minimum wage. I don't see anybody on there. All of them are people who, if they were not working in your home, would have to be earning the minimum wage. I think, as we know, when these were written it was an antiquated time. These were not added. These were put in way back when minimum wage laws were first created. There was no opposition to changing any of this. I would ask that we defeat this motion.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Dow to Adopt Senate Amendment "B" (S-586) to Committee Amendment "A" (S-452). 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 (#428)

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

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

ABSENT: Senator: MITCHELL

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DOW** of Lincoln to **ADOPT** Senate Amendment "B" (S-586) to Committee Amendment "A" (S-452), **FAILED**.

Committee Amendment "A" (S-452) as Amended by Senate Amendment "A" (S-570) thereto, **ADOPTED**.

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

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-587) **READ**.

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

Senator **DOW:** Thank you, Madame President. This portion keeps the penalties in place that we have now. The penalties that are now for violating the minimum wage laws that are, I believe, \$50 to several hundred dollars. I can't remember what the top is, it might be \$500 to \$1,000. The penalties that are included in this version of the bill are excessive and they start at \$1,000 and go up to a maximum of \$10,000 for a violation of the minimum wage bill. We've increased the penalties 10 to 20 times, depending on whether it's on the bottom end or the top end. Thank you, Madame President.

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

Senator **STRIMLING**: Thank you, Madame President. I rise in support of this motion. I would say that when we had the hearing and we had these in, there actually was not a lot of testimony that there were a lot of violations out there. We were originally thinking the bill was a little broader; that there might be some new pieces in place and we had to make sure those got enforced. I think the Senator is doing a good thing by pulling these provisions out. I would encourage my colleagues to support it.

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-587) **ADOPTED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "B" (S-602) **READ**.

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

Senator **COURTNEY**: Thank you, Madame President, men and women of the Senate. What this amendment does is adds a little economic stimulus to the equation. We noticed that the federal government, when they did their minimum wage increase, tried to do the same for a lot of the small businesses across the nation. This particular amendment addresses one of our difficulties that small businesses are facing with the increase in the fuel costs that they pay sales tax on. This amendment would reduce that from 5% to 3%. If you look at the fiscal note, you will see the fiscal note is pretty substantial but it actually is money that has been over-collected. It's been a windfall for the state. If you look across, there has been a ton of additional sales tax revenues coming in from this because of the increased fuel prices. Heating oil has gone from \$2.00 a gallon to \$3.70 and the 5% sales tax on that has created a ton of money coming into the state. Had somebody like Exxon or somebody like that done this we'd be all over them. We'd have the AG sitting in their office, just pouring over their books and trying to find out why they are gouging the good citizens of the state of Maine. I just want to offer this as a way to offer some relief to the small businesses across the state, those with 50 employees or fewer. This would give us the opportunity to do that as well as be able to afford the minimum wage increase. Thank you, Madame President.

Senator **MARTIN** of Aroostook inquired if Senate Amendment "B" (S-602) was **GERMANE**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Senator from Aroostook, Senator Martin, has questioned whether the Amendment offered by the Senator from York, Senator Courtney, is Germane. The Chair has looked at it. It does not apply to minimum wages, it has to do with fuel tax and electricity."

The Chair **RULED SENATE AMENDMENT "B" (S-602) NOT GERMANE**.

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 Lincoln, Senator Dow.

Senator **DOW**: Thank you, Madame President. After we get done with this debate, I know you are all going to vote your own conscience. What I want to say is something that hasn't normally been said about the minimum wage because I consider the minimum wage all part of a huge economic policy that governs the state. I know that it's been argued in our committee that this is a big boom for many people, that will help them out, and I know it's been argued that it, in its own way, helps the economy of the state of Maine. It's been argued that with a couple of the other states, I think it was Idaho and Washington, one state changed their minimum wage and the other didn't, it hauled people over the border to the state that had the higher minimum wage. It was all talked about in terms of economy. I want to ask this one question; how does any minimum wage discussion really help the people that we are trying to help? I know, for instance, if we raise the minimum wage 50¢ that would increase a person's pay \$1,000. I realize that. If we were at, for instance, \$8.00 an hour for a minimum wage, that translates to around \$16,000 per year for a forty hour a week job. The average salary in the state of Maine is double that. I'm wondering how it helps. Why shouldn't we be upholding economic policies that bring forward much better results than trying to rely on a minimum wage to try to solve some of our people's problems?

We pass the minimum wage and then we say we've done a good job and we've helped out a few people. Have we really helped them out? Have we helped these people out of some of their economic poverty? I would say no. I would say we've done the opposite. We've perpetuated them staying in poverty because we haven't dealt with the real issues at hand; their educational value which can get them a better job, better industry in the state of Maine where they can work better jobs, and several other factors. These are the real economic conditions. In my opinion, we have an economy in this state that's on steroids. With the minimum wage portion of it, when we come along and try to change that, we're just giving ourselves another steroid shot but we're not taking care of the real problem with the economy in Maine. As I've said, our salaries in Maine average about just under \$32,000. The salaries in the next state, New Hampshire, which I know everybody hates to discuss, are over \$7,700 more than here. How does changing our minimum wage, and thinking that we are actually benefiting this group of people, really help anybody? Shouldn't we be working on other policies that really will help the people? I'm not talking about a livable wage either. It was mentioned one time that we'd like to change the minimum wage to a livable wage, but that's not good enough because the livable wage is around \$12 an hour. All the livable wage does is allow someone to meet their expenses and nothing more, without welfare or without anything else. That's all it allows. The average salary therefore in this state, if we're earning \$32,000 on the average, is around \$16 per hour.

We want to always treat the Maine economy and the people of Maine as if we were the only entity in the universe, as if Genesis read that in the beginning there was the state of Maine and the rest of the world formed around it, but it doesn't exist out there. The things that we do in this state don't somehow effect everything that is going on around us. The argument given for the states of Idaho and Washington were quite interesting. People were streaming over the border from Idaho to go to Washington because the minimum wage was higher there. Well that is an interesting concept. I thought I would check how it is along our borders and check the unemployment. I've already

said I feel that the Maine economy is on steroids. The unemployment rate in this state now has flip-flopped and we're .5% higher than the national average. How does the minimum wage changes help that? How does it ever help it? It doesn't. We used to be a couple ticks below the national average in unemployment. Now we're 5/10 over. We have an economy that I say is on steroids. This minimum wage continuation and thinking that we're helping people out is just another steroid shot.

We do have some good employment areas in the state of Maine. One of them is in the Portland/ South Portland/Biddeford area and another one is the Portland/South Portland/Sanford area. Those areas have unemployment rates of 4.2 and 4.4. Pretty good because the national average right now is 5.2. The state national average right now is at 5.8. How about some of the other good areas in the state of Maine that have unemployment? One of them is listed as Conway, New Hampshire Maine at 4.4%. One is listed as Portsmouth, New Hampshire Maine at 3.9%. One is listed as Rochester/Dover, New Hampshire Maine with 4.8%. Their minimum wage has been much less than ours over time. Those people aren't crossing the border for minimum wages. They are crossing the border for much better economies than we have. We've failed to produce better jobs for our people that will get us above and out of these minimum wage discussions. What we are left with is the Belfast area at 8% unemployment; Calais at 11.6%, Machias at 11%, Madawaska at 8.1%, and Millinocket at 9.6%. This either says something about our overall economy or our failed Pinetree Zones or maybe something about the minimum wage because I'd ask you, how does the minimum wage help these people out in these communities? How does changing it help them out when the average salaries are in the \$16 range? How is changing it up to \$7.50 going to help these communities? There are many of them in the state of Maine. I've traveled in hundreds of them in my lifetime. I'm talking about communities like Sherman Station or Island Falls or Mapleton. Mapleton's a nice community. Uncle Arthur came from Mapleton. How about the people in Whitneyville? It has a population of around 250. How does this minimum wage discussion we have every two years effect them? You know, there is a bright spot in Whitneyville, actually a couple of them, they're not waiting for the minimum wage to help them out because their household income is about \$12,000 lower than the state average. Their property, homes, are valued right now, according to the census, at around \$66,000 per home instead of \$158,000 which is the state average. How does this minimum wage policy that we keep perpetuating help them? Yet they are a proud community. They don't have a school, but they have a library and they have a pot of gold ham dinner every year to support this library, which is special to them even though it's small. It has a special collections in genealogy and Maine history, a top rated children's collection, and art, biography, and history sections. They have this pot of gold dinner so that they don't have to charge anybody for taking a book out or any late fees. They are proud of this library and I'd say they are proud to be members of this community. How does minimum wage discussions help them? Shouldn't we be working and spending our energy on real economic discussions that would help all the people in all of these communities?

I've come to look at some of the time that we waste talking about subjects that border on Maine's problems. This is one of the bordering issues. Yes, it is going to help some people. It's going to provide them with a little bit more money and they will be able to say to their neighbor when they are asked if they got a

raise this year that they will when the minimum wage increases. That's no help. In this state we have 22% of our people working two jobs to make ends meet. The national average is 14%. The gulf is widening. A few years ago we were only under \$7,000 less income than New Hampshire. Today we are over \$7,700 and the gulf is widening. Maybe being like New Hampshire still isn't good enough because the economies are scaled to the state. They are earning an average of \$46,000. We don't have enough economic vision to get us through the \$1.50 tollgate on the New Hampshire border. We've erected a wall of 16 miles between us and prosperity. The minimum wage is not, never has been, and never will be the solution, even though we like to tout it year after year and say we've fixed the problem for a certain group of people. We haven't. We've only perpetuated them into poverty. I'm not going to vote for policies anymore that are just a bandaide on a gaping wound.

There is a businessman in my hometown who sells cars. I always check on my own business by asking people in other businesses how they are doing. I don't want to know about another furniture store. I want to know how the rest of the economy is doing. I asked him one time during a recession how he was doing. He replied to me, 'Dana, Maine is always in a recession, so we're doing okay.' I want to address the real economic issues, not these issues which pretend to help out the citizens of the state of Maine because they don't. We need to get people's wages up where they really belong through education and economic opportunities, not promising them a minimum wage hike every year. We need to really help the people in the Whitneyville's around this state. If they are not listening in Whitneyville today, right at this moment, I guarantee you they are going to be listening tomorrow to find out why they have been singled out as representative of all people in the state of Maine that need to have their economy scales changed. Thank you, Madame President.

The President requested the Chamber Staff escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

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

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

Senator **STRIMLING:** Thank you, Mr. President and colleagues of the Senate. I do appreciate my good colleague from Lincoln for presenting a few factual pieces. Not to dispute that there are struggles in Maine, but our unemployment rate in Maine is the same as the national average. If the good Senator, or anyone here, would like to know how raising the minimum wage helps or who it helps I would encourage you, invite you, and be happy to escort you to meet the thousands of people in Maine who are making minimum wage. We may think that a mere 25¢ increase on their wage this year won't help very much but I tell you for folks who are on the edge, for folks who are making minimum wage,

and for the women who are supporting their families and their children on the minimum wage \$500 a year, which is what this equals, means a lot. We live in a very different world if we think that \$500 a year doesn't mean a lot to Maine families because there are a lot of Maine families who are living on the edge. When you want to talk about artificial steroid injections to economies, I would say the minimum wage is not even close to an artificial steroid injection. An artificial steroid injection would be an economic stimulus package in which you might provide some tax rebate on a one-time basis, as often seems to be the answer from the federal government to the recession that we are living in today and the recession that we expect will continue. We know that throughout the history of Maine when you raise the minimum wage you raise people out of poverty. When you raise the minimum wage you raise wages in Maine, you raise incomes in Maine, and you help families. The evidence is clear.

I was very glad to hear my colleague from Lincoln County talk about New Hampshire and how the gap on their incomes and ours is widening because, ladies and gentlemen of the Senate, it's about to widen even further. They are about to raise their minimum wage above ours while we fall stagnant if we do nothing today and fall behind further. They, New Hampshire, the fiscally responsible, with the great economy and the low taxes, are raising their minimum wage above Maine's for the first time, I think, in 20 years because they recognize the minimum wage must be raised in order to raise the incomes of the lowest income of their state and to indeed have that money go back into their economy.

We did, in committee, get evidence in front of us that showed when bordering states have a higher minimum wage than the state next door their workers travel to the higher minimum wage state to make money. We saw it in Washington and Idaho, out west. People who lived on the border were going into Washington because the minimum wage in Washington was indeed higher. The businesses in Idaho were losing workers and insisted that their legislature raise the minimum wage or they had to raise the wages themselves because workers were going over. It's the same thing that we will now see with New Hampshire if we do nothing today, if we do not at least, at a minimum, meet their minimum wage, which is what we do in the first step and then in the second step we get ourselves in the middle of the pack to be competitive with the rest of New England.

I would also remind my colleagues on the other side of the aisle that it was President George Bush, the Republican President George Bush, who just signed the largest minimum wage increase in our nation's history. A three year bump up to the place that we will be this fall. I think the reason that he did it is because he understands that the American people recognize that the minimum wage must be raised. He understands that if we raise the minimum wage a mere \$1 an hour across the country we would pull almost one million people out of poverty. Here in Maine if we raise it we will be helping families who are struggling on the edges, with a raise of about 3.5% or 4%. It would be 4% the first year and 3.9% or 3.8% the next year. I think Maine workers work hard. I think they work to support their families and they deserve a 4% raise. They especially deserve it because our bordering states are paying more and our incomes are dropping here. Colleagues, I would ask you to support the motion before you in the name of those workers who are at minimum wage and in the name of the workers across Maine who are struggling and falling behind because as the gap grows wider and wider between the wealthiest in this state and the poorest it

only tears apart our social fabric further. We know a widening gap is unhealthy for our economy, so for the sake of our economy I ask you to support raising the minimum wage today 25¢ this year and 25¢ next year. Thank you.

The President Pro Tem requested the Chamber Staff escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Chamber Staff escorted the Senator from Aroostook, Senator **MARTIN** to his seat on the floor.

Senate called to order by the President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. This bill is important to many people. Interestingly enough, my area, the Biddeford area, was one of the areas that was quoted as doing well. Well is relative of course. We're doing well compared to the rest of the state. Indeed, for me, minimum wage is not much of an issue. It won't cost me votes. It won't save me votes, if that's what it's all about. I will tell you that the minimum wage is important to many, especially women, in depressed areas that take a job and they have to do the work of the people down in my area whether it's working at the local McDonald's or the local Mom and Pop store and get less money than people in my area. That may be difficult for many of you men to understand but women get about 76% of every dollar that a man earns. That 25¢ an hour becomes very important for a single mom who has two kids and needs to feed them and keep them in shoes and also fill the tank. It is important.

I sit on the border of New Hampshire and when New Hampshire can go above us we have real problems. They will go above us. If you are looking, as a young person, to move would you go to the area that pays the lowest minimum wage anywhere in the state, especially if you want to bring people to the northern part of the state?

The Democratic caucus of the Labor Committee were pretty strong and the good Chair, the Senator from Cumberland, Senator Strimling, wasn't very happy with us. After many conversations with restaurant owners and everything, we took out what was the most onerous for most of us. That was that tip where we were going to take the people who make the most within the restaurant area and let them continue to make more. We said we couldn't go there. We also couldn't go by automatic indexing because we don't know how long this recession will last. If history is correct, it will last longer here than in the rest of the country. There was no problem in supporting the penalties. No sense in raising that penalty piece. I let it be known that I would support the good Senator from Lincoln, Senator Dow's amendment.

I want to leave you with a story. You've heard it before. I've said it before on this floor, but I figure I'll join the many Senators who repeat themselves. Who will minimum wage help? Well, there was a really bad storm along the coast of Maine and a little boy was walking along after the storm. All these starfish had

washed back up on the shore. There were just hundreds of them and he was throwing them back, one at a time, into the ocean to save them. A very knowing adult person walks up and says, 'What are you doing?' The boy said, with the wonderment of a child, 'I'm throwing all the starfish back.' The adult said, 'You're crazy, you can't save all those starfish. You can't make a difference.' In the truth of a child, he looked and said, 'No, probably I can't.' As he tossed one in he said, 'I just made a difference for that one.' Maybe this minimum wage will make a difference for that single mom who's going to get \$500 over the course of a year. I have to confess, that's what I told my oil company, that this was as high as I could afford to pay this year. For the first time in my life I had to stop oil delivery at a certain level, not to go over \$500. If I'm suffering, that woman that might get 25¢ an hour, that little starfish, I want to be able to make a difference in their life. I will be supporting this. I was not supporting the first minimum wage bill as it came through, but I believe it has been pared down and it has been made better. I do not support an automatic indexing in this. That's been taken out. Until we can do the economic stimulus that I agree we need, we must continue to make a difference, albeit not grandiose. Save a few starfish, I beg of you. Thank you.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I want to thank the Senator from Lincoln, Senator Dow, for putting forward a helpful discussion because he's offered for us the opportunity to just look at the data. We tend to have the same conversation around increases in minimum wage every session, as the good Senator pointed out. I appreciate his attempt to try to at least step back and just look at the information in front of us to determine whether or not the policy is effective. It's a good time to just take a moment and examine that because we, the State of Maine, have been on a steady regular increase, almost on an annual basis over the last few years, of increasing Maine's minimum wage. We do have an opportunity to look at the data and make a determination. Is this, in fact, a policy that's pulling people out of poverty, as has been stated in this debate? I refer you to the recent Kids Count report. Since 2003 we have seen an increase in the number of children in this state living in poverty. This year we had the most recent Kids Count report and once again there was an increase in the number of families and children in Maine living in poverty. The good Senator has brought our attention to spending a little time examining the effort, the policy, and its effectiveness. I appreciate it and appreciate the opportunity to step away from the regular discussion and just ask ourselves if this is an effective approach. Thank you, Madame President.

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

Senator **SHERMAN:** Thank you, Madame President. I rise to repeat and repeat and repeat. It's beginning to sound like Groundhog Day. I'd like to associate myself with the remarks of the good Senator from Lincoln, Senator Dow. This is my tenth year of hearing this same debate. It started in the other Body the first year I was here by Russ Treadwell, who was exiled to Labor for eight years. The piece that I heard from Representative Treadwell was that there were actually studies that existed

around folks who were on minimum wage. I wish I had those today because they were, I think, from the University of Michigan. They were out there. Those numbers, in my mind, support what the Senator from Hancock, Senator Rosen, and the Senator from Lincoln, Senator Dow, were saying. If I remember correctly, and I sometimes forget my wife's name, those studies said that if you take a group of people, and I think they studied 10,000 people, that very few of those folks are still on minimum wage after five years. They had moved on. You get this churning of folks on minimum wage. It is a starting wage, for a number of reasons that you've all heard in the past. I would suggest that we do find someone that has looked at the people who are on minimum wage, look at why they are there, and how long they are there so we have some statistical data to look at. We use statistics to say how poor everyone is, maybe we should use statistics to say how long they are on minimum wage and do they go someplace else. Are they college students? Are they part time students? Are they some one who is in and out? Are they one of us old fellas who lug groceries at the local Hannaford store? I would suggest that we put some sort of study together, like the Senator from Hancock, Senator Rosen, was talking about. Maybe people could actually do that for free where we don't have too much money. Thank you.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. If I may. There is always a danger in loading up a minimum wage bill with a lot of substantive changes on top of an attempt to adjust the rates. I'm one of those who thinks that the rates have to be adjusted from time to time if they are not adjusted automatically for inflation. If you are going to have a minimum wage you've got to have it increased or adjusted every once in a while. This bill, as it now lies before us in its current posture, eradicates two exemptions. Actually there are more than two. The two that are of concern to me are these. It eliminates an exemption for domestic service in or about a private home. That probably applies to people who mow lawns, and people who do the dishes and clean house. I pay far more than the minimum wage to people who work at my house most of the time. As I read this, if we pass the bill in its present form, we would be applying the minimum wage to babysitters. I think that will come as some news to young parents hiring school kids to tend to their 3-year-olds. It also, in its current posture, will eliminate an exemption which I don't think is ancient, I think it's of relatively modern vintage but I could be wrong, that says that the minimum wage does not apply to publicly supported non-profit organizations or an educational non-profit organization, neither of which is a political body or a political subdivision. I've been trying to figure out what that is and why the exemption was created in the first place since we are on the cusp of eliminating it. I'm not sure, but I think it may be the exemption that authorizes non-profit organizations to pay much less than the minimum wage to people with developmental disabilities in work shelters and workshops. I'm not certain of my ground here, but I'm trying to understand what we're doing with this bill.

I've often not been opposed to increasing the minimum wage from time to time, but when we combine it with major substantive changes it means that we have to understand the implications of what we're doing. I remain uncertain about whether I want to go home and explain that we've applied a minimum \$7.50 hourly rate

to babysitting and that we have somehow put sheltered workshops out of business, if that is what this bill does.

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

Senator **STRIMLING:** Thank you, Madame President. My good colleague from Somerset, Senator Mills, apparently may have missed the debate earlier. We debated on this domestic issue. There was an amendment that came forward in which we discussed, and I read into the record, who it would effect. It does not effect babysitters or people mowing your lawn. It's in the record already. I'm happy to share it with you. There is a federal definition that we used and that federal definition basically states that it must be somebody you are using on a regular basis and then they list them out. It's basically cooks, waiters, butlers, governesses, grooms, chauffeurs, and etcetera. It is defined in the federal law. I'm happy to share that with my good colleague.

On the issue about the other exemptions, there was no opposition to them. In fact, I run a non-profit organization and it does not deal with the areas you were referring to. We were actually surprised that it existed in there. When we laid it out in front of the committee and talked about it with out legal analysis, there was nobody coming forward saying that was a problem because everybody is paying within the jobs. If you are dealing with folks who are, for instance, in a training setting it is a different set of rules. If you are dealing with some kind of assistance setting it is a different set of rules. These are people who are working for you in some capacity.

In answer to the question by my good colleague from Aroostook County as to who gets the minimum wage, the studies have already been done. I'll just give you some pieces of it. There is an estimated 26,000 workers in Maine that are earning the minimum wage. Women comprise 63% of those earning at or below the minimum wage. Three quarters of workers earning at or below the minimum wage are over the age of 19. I can tell you nationally but I don't have the statistic for Maine, 24% of the minimum wage earners work full time or more. There are often a lot of myths that the minimum wage is mostly young people, summer jobs, or temporary jobs but it is actually not true. A vast number of them are full time and the overwhelming majority of them adult. As I said, 63% are women. I think over a majority of those women are actually supporting families.

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

Senator **DOW:** Thank you, Madame President. Still some of the discussion has to do with how we're going to help people with the minimum wage. If that's the only vision we have for this group of people then shame on us. Do we want our people streaming across the border to New Hampshire so they can earn 25¢ an hour more? At \$8 an hour your yearly pay for a 40 hour job is a little over \$16,000 a year. At \$12 an hour, which would be close to a livable wage, you are at \$24,000 to \$25,000. In this state we are earning what I consider a pitiful average of under \$32,000 a year. New Hampshire is over \$39,000 per year. Massachusetts is over \$46,000 per year. That translates into about \$23 an hour. New Hampshire is just under \$20 an hour. In the state of Maine the average is just under \$16 an hour. Somehow we seem to think that we are going to perpetually help the people at the bottom end by giving them a 25¢ increase so that they can get up

to \$7.25 and \$7.50 an hour. The policies that we've had for over a decade have failed. The gaps are still continuing to widen and we need to step back and take a look at the real vision of what we need to do to improve people's lives. It's not the minimum wage. We've got a lot of programs to help people with their education. We've got programs to help women that have families to provide daycare, to provide vehicles, to provide tuition, but we don't fund them good enough. We've wasted our money on too many other welfare packages that give \$500 this year but they don't really do anything for the individual. It just perpetually keeps them on this system of minimum wage. It's not good enough for the people of the state of Maine. It's not good enough for that group and it's not good enough for the \$12 an hour people that are earning just enough to barely get by. It's not good enough.

We need a new vision, one that takes into account all aspects of the Maine economy and this minimum wage is part of it. Is our vision that low for everybody, for the state of Maine that said its workers are the gold standard for the United States, and for the people that want to work? The people of Whitneyville don't want any additional help with the minimum wage. They want real wage increases. Real training. They want a real opportunity to earn not just the \$16 an hour that keeps us around \$32,000 per person but more. We have got to have a better vision that will carry us over the top. Why do we look at everything as if it's just the state of Maine and forget to look out beyond our borders to see what is really happening in the world? This is a failed policy to have these increases year after year after year. What's it been, 10 or 11 years in a row? It's failed. The gulf is still widening between the better paid and the lower paid. It's still widening. More people, more children, are ending up on the poverty level. These policies have failed. We need to take a look at something else. By instituting a regular minimum wage bill, this is what I envision it doing, we say, 'There, we've done our homework. We've done our work and we've helped the people of the state of Maine.' We haven't helped them. We have not helped this group. The minimum wage will not help them survive better. They need more than that. They need more than the average wage that we are getting paid in the state of Maine now.

We need to change many of the policies. It isn't just taxes. Taxes are just a part of it. It's educational level. In Whitneyville only 11% of the people have above a high school education. There are Whitneyvilles all over the state of Maine. Until we stop talking about a nickel and a dime here we're never going to help the run of the mill people in the state of Maine, and I'm one of them. I consider myself one of them that grew up in a home that just asking if my father could take me to the store just to get some popsicles because I had friends over and he would say, 'Sorry, son, I don't have any money. We can't go.' That's not the vision that we need to have for this state. This is just one of the policies that perpetuate poverty. I'm not going to support ideas that don't have a grand vision for the people of the state of Maine. Thank you.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. We were having a short discussion about what the exemptions mean. I have to say that, in the absence of any direct cross-reference to federal law or some other state drafted exemption, I would be concerned that the bill, as it is presently formulated, would apply to all forms of domestic

employment. I am concerned about whether there is a separate exemption or some other measure that would enable non-profit entities to continue operating what we sometimes call sheltered workshops. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. Knowing that what I say will change no votes, and that would have been true a half an hour ago, I just want to say that this debate ought to continue at some point and it ought to continue, hopefully, to an election in November that will provide at the federal level someone who will prevent what's happening in some of our mills, like in my area, from closing and causing people to be unemployed. On the other hand, I think it's also fair to say that the minimum wage does help a little bit and that's all we're doing. It's certainly not improving the quality of education, providing healthcare, or doing all the other things we can do. I would hope the members of the other party will join me in doing other things that we can do.

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

Senator **PERRY:** Thank you, Madame President. Over the years I've sat through dozens of these debates. Sometimes I've voted in favor of the minimum wage increase. Sometimes I've voted against it. This time I can't support the bill but I can support the amendment. I also don't think the minimum wage is the cause or the cure for poverty.

I just want to lay out a few of the things I've heard over the years through this debate and then I want to pose a question through the Chair. Over the years I've heard things such as the minimum wage isn't that important because so few people get it and stay on it for such a short period of time. Then I hear that businesses can't afford it. Then I hear they can't afford the minimum wage but if we didn't have one, or had a much lower one, people would earn more money. I've heard that if we go up on the minimum wage it's going to force the wages up for everyone above minimum wage. I've heard that if we go up on the minimum wage they won't be able to afford to give raises to anyone above minimum wage. I've even heard that if we go up people will stop buying their bagel and coffee in the morning. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **PERRY:** Thank you, Madame President. Is that all true?

THE PRESIDENT: The Senator from Penobscot, Senator Perry poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. I certainly don't rise to answer those questions, but I have a couple of other points that I would like to make. I'm in agreement with the Senator from Aroostook, Senator Martin. My comments are going to change no votes here today. I just wanted to rise to say thank you to the good Senator from Lincoln, Senator Dow, for broadening the discussion. It is an important discussion for the state of Maine

and one that I would very much like to engage in. I realize the hour is late today, but the minimum wage is probably not going to lift us out of the economic doldrums that this state has been in for some time. That is a broader discussion. I come from an area of the state that needs to enter that discussion and we need to produce some overall results. The minimum wage is not going to assist very much in the kinds of things that my areas in the state need. We need massive investment in the private sector, basically. The minimum wage has nothing to do with that. It would greatly help many of the workers in that area if we could arrange our policies in such a way that we would encourage it. To do that we've got to have a major discussion on taxes, on regulatory cost reform, on health insurance costs, and on energy costs.

I might note that in some of the bills that are coming through here some of these issues are beginning to be recognized as problems. In the regulatory cost area, for instance, in a major piece of transmission line legislation that we are dealing with here in this legislature and on a major wind policy bill that is making its way through with bipartisan support, regulatory costs are recognized as a major component because both of those bills have expedited regulatory procedures in them that very few other developments receive.

We have major problems here and it's effecting our lowest paid workers and our highest paid workers, to tell you the truth. I look forward to the day when we can have a major discussion in all of these areas and so does my district. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (S-542) as amended by Senate Amendment "A" (S-570) and Senate Amendment "A" (S-587). 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 (#429)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENT "A" (S-570) thereto, AND SENATE AMENDMENT "A" (S-587).**

Sent down for concurrence.

The President requested the Chamber Staff escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

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

The Chair laid before the Senate the following Tabled and Later (4/9/08) Assigned matter:

An Act To Generate Savings by Changing Public Notice Requirements

H.P. 1310 L.D. 1878
(C "B" H-684)

Tabled - April 9, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)**, in concurrence.)

(In House, April 9, 2008, **PASSED TO BE ENACTED**.)

On motion by Senator **HOBBINS** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (H-684), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-593) to Committee Amendment "B" (H-684) **READ**.

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

Senator **HOBBINS:** Thank you, Mr. President. This amendment accomplishes two basic functions. First, it requires that final notice of agency rulemaking continue to be published. Second, it removes from the bill the provisions governing municipal legal notices. This bill also maintains the abbreviated rulemaking notice provision of the bill that maintains much of the savings of the bill. I must say that I do compliment the State and Local Government Committee and the Senate Chair and others who worked on this particular bill. But for this legislation, the State of Maine would not realize, I believe, close to \$300,000 this year and a potential, over five years, savings of \$1.1 million. I look at this bill as a kind of win-win. Because of this bill and because of

the negotiations that occurred between the State and the different newspapers, this bill has and will lower public notice rates throughout state government. It also does something important, it preserves the integrity of public and legal notices that we have in our publications.

The Senator from Penobscot, Senator Schneider, said that it was hard to name five individuals who were involved in legal processes that benefit by this. It's more than just the idea of convenience on the part of the individuals who utilize this process. It is also important because of the idea of providing notice to the public of what is going on. Many individuals' legal rights are abrogated by legal notices and if we don't take these seriously then we're going to find that some of our civil liberties and the like could be compromised. I do say this, but for this legislation I doubt very much whether or not the newspapers of the state of Maine would have been so anxious to negotiate with the State of Maine, which will accomplish significant savings. I do thank the committee and I thank the Senate Chair for her help. Thank you.

Senator **SCHNEIDER** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-593) to Committee Amendment "B" (H-684).

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 PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Mr. President, men and women of the Senate. I'd like to just bring your attention to a couple of pieces of literature that were dropped off last evening. I thought we were going to get to this last evening and we were not able to take it up. One is sort of a light orange color, which was distributed by both the good Senator from Sagadahoc, Senator Benoit, and myself because the Maine Municipal Association is very much in opposition to this amendment for a very good reason. Just briefly, I'll just remind you we toiled over this bill for the last two years and came to an excellent compromise that really serves to help municipalities. This piece of this bill does not mandate but authorizes communities to adopt a publication policy and they do not have a general circulation that is 30% or greater. Once they've adopted this publication policy they may go out in 3rd class to every citizen as long as that publication goes out to every single citizen in their community to notify them of legal notices in that regard. This is an important opportunity for communities because right now what is happening is many municipalities don't feel that they are reaching all of their citizens because of the legal notices being printed in the bigger papers, which is currently mandated. Because they don't feel like they are reaching out to enough citizens, they are having to sort of double pay. As a result, we felt that it was important to address that, especially for those communities whose circulation is 30% or less by the bigger newspapers to allow them the opportunity to reach out without having to double pay for that reaching out to their community members. I think that this amendment guts that piece of the bill, which is a really positive change to our regulations. I would hope that you would support the pending motion. Thank you very much.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Indefinitely Postpone Senate Amendment "A" (S-593) to Committee Amendment "B" (H-684). 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 (#430)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DOW, HOBBS, MILLS, MITCHELL, NASS, NUTTING, SAVAGE, SCHNEIDER, SHERMAN, SMITH, TURNER, EDMONDS, THE PRESIDENT PRO TEM - JOHN L. MARTIN

NAYS: Senators: DAMON, DIAMOND, HASTINGS, MARRACHE, MCCORMICK, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON

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 **SCHNEIDER** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-593) to Committee Amendment "B" (H-684), **PREVAILED**.

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H- 684), in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/10/08) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Direct-to-consumer Wine Sales"

S.P. 781 L.D. 1987

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-575)** (5 members)

Tabled - April 10, 2008, by Senator **BROMLEY** of Cumberland

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

(In Senate, April 8, 2008, Reports **READ**.)

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

Senator **BROMLEY**: Thank you, Mr. President. We've been here before, in a slightly different posture. I bring this bill primarily for the small farm wineries in Maine. There are 22 of them. There are 30 states in the United States that allow direct wine shipment and four that allow limited shipment. We would be the fifth if this bill were to pass, making it 35 states. My primary interest is in, and has been since I arrived at this legislature, in promoting Maine's small businesses, particularly, and in our economy in general. With our current law, our small farm wineries are not allowed to ship out-of-state because of a reciprocal agreement. If we don't allow shipping in then we can't ship out. To me it's just a small thing that we are going to do that's going to give access to markets to our small farm wineries that they currently don't have. I know you have probably heard of the risk that we will be incurring if we were to do this, however there is no evidence in the 30 states that now have this that there has been any connection whatsoever with underage drinking.

Let me read something to you. It's from one of the small farm wineries who stopped here the other day. He just happened to be in the area. He said he wished he could be here more often to explain his plight, but he did tell me that the 22 wineries, and there are more coming, are going to get an association together so they can better speak to us. On the back of his information for his winery he wrote, 'This particular winery is Maine's only winery and distillery using Maine grown fruits to produce fine wines and distinctive spirits. Our wines include apple, cranberry, blueberry, raspberry, blackberry, and peach. The distilled spirits are handcrafted in old world tradition.' He goes on to give more details about how he does that. Then he talks about how it's a multi-generational family business, that there is a rich farming tradition in his family, and he invites people who buy his wine to hike his trails and enjoy the breathtaking panoramic views of the valley.

I say this because I want you to get that image. Though a lot of the editorials that you have seen, and I hope I've passed them out, talk about consumer choice and convenience for consumers, I think that's important but what I think is really important is preserving the traditions of our farming communities when we can. That particular individual is trying to make a living on the land that was his predecessors' and his family before him.

You will also hear a concern about underage people accepting the wine. There was a court case recently that said we couldn't compel carriers to get signatures. However, this bill requires that whoever ships it needs to ship by a carrier who will get a signature. Since then, as you can see, the United Postal Service sees that they are getting some competition from other shippers. They have a process, just a regular post office, in getting a signature of a person over 21. As great capitalists as we are in this country, there is a great industry bubbling up of vino shippers and the only thing that they do is ship wine following any rules or regulations that any particular state might wish. With that I would suggest that you oppose the pending motion and do it in the spirit of helping Maine's small farm wineries.

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 PRO TEM: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Mr. President, men and women of the Senate. The farm winery that the good Senator from Cumberland, Senator Bromley, spoke to you about are my constituents. In my small town of Union there are two wineries. These are two farms that we're preserving as a farm. The one that I am personally interested in has about 80 or 90 acres of land, which could be subdivided anytime into beautiful house lots. The vineyard overlooks the whole town of Union. I would welcome any of you to come and help pick grapes in the fall. The grapes are grown right on the farm for this wine as well as the 25 acres of blueberries that produces blueberries for blueberry wine. These are just two of those 22 farms. I just ask you to support these small farm wineries. This I know for a fact, there are people that come to this winery who have taken bottles of wine back, say to Florida or Ohio, with them and said, 'Wow, I like this wine.' They have called up to say, 'I love that Come Spring Wine, would you please send me a case?' The winery has to say, 'Sorry, I can't do that.' If that person comes in person to that winery and personally buys and pays for his or her wine then it can then be shipped. That is done. I know that for a fact because I've seen the labels. I took a package to Fed Ex to ship out. It has a label that prohibits anyone under 21 from signing for that wine. I say to you folks that we aren't going to create young people buying or drinking all of this wine. If they want liquor they can go to their parent's liquor closet when mom and dad aren't home and get their liquor. They are not going to buy and they are not going to call and have wine shipped to them. Believe me, they can get it other ways. I urge you to oppose the Ought Not to Pass and go on to support this bill. Thank you.

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

Senator **MILLS:** Thank you, Mr. President and men and women of the Senate. About a month ago there was a case. We tried to impose this same control regime on tobacco products and in a case that I can't distinguish from the present situation the U.S. Supreme Court said that the law which requires that a shipper follow a certain process of validating the recipient or verifying the age of the recipient is invalid in federal law because it interferes with interstate commerce and shipping statutes that Congress has enacted. I suspect we can pass this law as it's written but I believe that this portion of the statute that has certain delivery restrictions is probably invalid. At least that's my reading of this new case in the Supreme Court. If we do pass this law I don't think that there will be any restrictions, any legal restrictions, on how the wine is shipped and delivered because those restrictions would be contrary to federal law. If somebody else has a better reading of this situation I'm happy to listen to it.

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

Senator **BROMLEY:** Thank you, Mr. President, men and women of the Senate. We actually looked very specifically at the issue that the Senator from Somerset, Senator Mills, just brought up. We can't compel a carrier to get a signature. We can't say to UPS or Fed Ex that they must get a signature. What we can do is say to whoever is shipping the wine that they can only ship this

wine with someone who is willing to do that. As you can see, even the United States Post Office has stepped up and said they will do it this way. Vino shippers and others have noticed there is a niche opportunity in the market as well. The point is, with the federal case, we can't compel an interstate carrier to get a signature but that doesn't keep us from requiring that a signature be gotten. Thank you.

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

Senator **PLOWMAN:** Thank you, Mr. President, men and women of the Senate. What we have provided for with respect to the shipper is that the shipper must apply to be the direct shipper. It must pay \$100 and become a very willing part rather than us forcing someone to do it. We are asking them to become part of the delivery system by applying with a \$100 license to be part of the system and agreeing that they will comply with everything that makes this legal, including letting them know that if they don't comply at that point that they will be charged with a Class D crime. This is someone that comes forward and says they are willing to do this, they are willing to do all of these things as prescribed by law, and they are willing to take on this penalty in return for providing what is probably going to be a very niche market. The U.S. Postal Service seems quite ready to be poised and is poised right now to do all of the other shipping. It's looking for the ability to do this in Maine.

I would point out that we also tightened up the bill. There were some products that were shown to the committee that were substantially smaller than the typical bottle of wine. I won't describe that to you in detail but you can see me after. We have now limited it. The smallest that is shippable is 750 milliliters, which is a regular size bottle of wine, so that we didn't have these novelty drinks or novelty alcohol items coming into the state. That was a huge concern for the committee. The people who are participating are participating because they apply and they want to be part of the process. If Fed Ex doesn't want to, or if UPS doesn't want to, they simply turn away the business, they don't apply for the license, and they don't participate in what could be a growing amount of commerce. That's their business decision. Thank you.

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. I'm standing to oppose the pending motion. I'm interested in helping these small Maine farms that are trying to diversify and develop a niche market for their Maine wine products. I was struck by the yellow sheet of paper we had distributed to our desks by those who were opposed to this bill, most noted would be the two on the top, the Maine Grocers' Association and the Maine Beer and Wine Wholesaler Association. I want to relate briefly to you what some of these Maine wineries have been told by these two particular groups when they asked if the Maine Grocers' and Maine Beer and Wine Wholesaler Association could sell or distribute these wines from small Maine farm wineries. One winery was told by a supermarket chain that they would sell their wine. They would have to write a check for \$2,500 and they would get 6" of shelf space. What the Maine Beer and Wine Wholesaler Association have told several Maine farm wineries, I guess I should term it

this way, was to forget it. They weren't interested in carrying their products period.

State after state now, 34 states in all, have helped these small farm wineries sell their products, export their products, and I think we need to do the same. I still need to stop in amazement, that in my own county of Androscoggin over 90% of the open space we have left is there because of farms. That is the single reason. This, I think, in a small way will help us, help this state, to keep our open space. Thank you.

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

Senator **MILLS:** Thank you, Mr. President and men and women of the Senate. I have the case in front of me from the Supreme Court. It says, 'We concede that the regulation,' this was the tobacco regulation that was invalidated, 'here is less direct than it might be because it tells the shippers what to choose rather than the carrier what to do. Nevertheless, the effect of the regulation is that carriers will have to offer tobacco delivery services that differs significantly from those that, in the absence of regulations, the market might dictate.' I don't disagree with some of the policy argument that people have been making today in support of small farms and small vineyards and the lack of reciprocity, but I really question whether we can get away with what we're doing in terms of imposing a regulatory regime. I confess right up front, I haven't studied this in detail. It does appear to me that the efforts that we employed in the tobacco arena are very parallel to those that we are trying to do now with wine and we were told no.

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

Senator **DIAMOND:** Thank you, Mr. President, men and women of the Senate. I, like some of you I suspect, have the small wine vineyards in my district. I see this as something that is very simple. All they want to be able to do is ship their wine out. Not that many bottles and maybe ship some in. If you and I and others in the state of Maine decide we want to go to California or some other state that grows grapes and makes wine, we should be able to do that. We should be able to ship some wine back home while we are on vacation. I think most of all it's really a tough battle for these small businesses to exist with a handicap such as this. I would ask that you oppose the pending motion and share a little Latin with you, *veno veritas*. In wine there is truth. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Marraché to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#431)

YEAS: Senators: BARTLETT, BENOIT, BRANNIGAN, BRYANT, COURTNEY, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, MITCHELL, ROSEN, ROTUNDO, SCHNEIDER, SMITH, THE PRESIDENT PRO TEM - JOHN L. MARTIN

NAYS: Senators: BOWMAN, BROMLEY, DAMON, DIAMOND, DOW, NASS, NUTTING, PERRY, PLOWMAN, RAYE, SAVAGE, SHERMAN, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, 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 **MARRACHÉ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-575) **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 (4/10/08) Assigned matter:

Bill "An Act Regarding the Operations of the Greater Portland Public Development Commission" H.P. 1556 L.D. 2186 (C "A" H-809; H "A" H-969)

Tabled - April 10, 2008, by Senator **TURNER** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, April 9, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AND HOUSE AMENDMENT "A" (H-969).**)

(In Senate, April 10, 2008, under suspension of the Rules, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate at Ease.

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

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

RECALLED FROM GOVERNOR'S DESK

An Act To Amend the Maine Certificate of Need Act of 2002
H.P. 1659 L.D. 2301
(H "A" H-960)

(In Senate, April 10, 2008, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 927), in concurrence.)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

RECALLED FROM GOVERNOR'S DESK

An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes

H.P. 1670 L.D. 2310

(In Senate, April 10, 2008, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 927), in concurrence.)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

RECALLED FROM GOVERNOR'S DESK

An Act To Invest in Maine's Young Children
H.P. 1671 L.D. 2311

(In Senate, April 10, 2008, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 927), in concurrence.)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1678

**JOINT RESOLUTION IN SUPPORT OF THE
RECOMMENDATIONS OF THE COMMISSION TO
DEVELOP STRATEGIES TO INCREASE
POSTSECONDARY ACCESS, RETENTION AND
COMPLETION FOR LOW-WAGE, LOW-SKILLED ADULTS**

WHEREAS, the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults was established during the First Regular Session of the 123rd Legislature by Joint Order 2007, Senate Paper 717; and

WHEREAS, the commission included 7 Legislators and 6 individuals with experience in workforce development and training who represented the Maine Educational Opportunity Center, the public higher education system, a statewide organization representing the economic interests of women, a statewide organization with expertise in economic policy analysis and one employer with experience in supporting educational programs for its employees; and

WHEREAS, the commission members concluded that the Legislature, together with officials in appropriate state agencies and public instrumentalities and other key private sector partners in industry, small business and the nonprofit community, must restore the development and training of Maine's low-wage, low-skilled adult citizens as a priority policy issue; and

WHEREAS, the commission recommended that the Department of Labor should develop uniform procedures at all CareerCenters to assist low-income, adult students in accessing a package of supports for which they are eligible and that they need to succeed in postsecondary education or occupational training; and

WHEREAS, the commission recommended that policymakers should strengthen the package of postsecondary education opportunity resources and support services available through the campuses and centers of the Maine Community College System; and

WHEREAS, the commission recommended that policymakers should seek to leverage federal Perkins funding to establish a career pathways pilot project in at least one sector of Maine's economy in order to prepare low-wage, low-skilled adults for high-wage jobs in industries with significant demand for skilled workers; and

WHEREAS, the commission recommended that the Maine Association of Student Financial Aid Administrators maximize access to federal financial aid resources by encouraging student financial aid officers at Maine colleges to provide adequate notice to adult students and to apply the professional judgment standard in a more uniform manner when considering the special circumstances that determine adult students' eligibility for student financial aid resources; and

WHEREAS, the commission recommended that, to the extent possible, adult education program resources be used for remedial or developmental education that prepares low-wage individuals to enroll in a postsecondary education program and enables such individuals to maximize eligibility for federal student aid resources to matriculate and complete a 2-year degree program at a college or university; and

WHEREAS, the commission recommended that comprehensive and coordinated career counseling and postsecondary education access resources be targeted to adult students in rural and urban areas of the State and located at the campuses or centers of the Maine Community College System in a manner that is sensitive to the particular needs of these students in rural and urban settings; and

WHEREAS, the commission recommended that policymakers seek to coordinate the design and implementation of a public awareness campaign to inform low-skilled, low-wage adults about the package of postsecondary education and workforce development resources available to meet their education and training needs; and

WHEREAS, the commission recommended that the Maine Community College System and the University of Maine System seek to implement a coherent policy recognizing prior learning assessments for adult students. The commission suggested, in order to increase appropriate referrals for a prior learning assessment, that the Maine Community College System and the University of Maine System create a single checklist that the Department of Labor CareerCenters, adult educators and educational access providers can use to determine which adults are likely to benefit from prior learning assessments; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed additional resources, as available, be provided to strengthen the package of postsecondary education opportunity resources and support services available through campuses and centers of the Maine Community College System, including career counseling,

developmental education classes and other support services needed by low-wage individuals to access a postsecondary education or training program at the Maine Community College System; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature seek to leverage federal Perkins funding to establish a career-pathways pilot project in at least one sector of Maine's economy in order to prepare low-wage, low-skilled adults for high-wage jobs in industries with significant demand for skilled workers; and

WHEREAS, the commission recommended, to the extent funds allow or are provided, that the Department of Health and Human Services, the Department of Education, the Maine Community College System and the University of Maine System forge public-private partnerships with career and technical education, adult education, the MELMAC Education Foundation, the Maine Compact for Higher Education and employers that will establish career pathways to more effectively serve the needs of the adult workforce and employers needing skilled workers. The commission suggested that as state budgets are reviewed and developed the Governor and the Legislature seek to provide funding to support these public-private partnerships in order to create such career pathways; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature target new financial aid program funding to meet the unmet financial needs of low-wage, low-skilled adults to enable them to access education and training; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature invest state dollars, as available, to match federal TRIO funds provided under Title IV of the Higher Education Act of 1965 to help low-income adults who are first-generation college students or students with disabilities succeed in college; and

WHEREAS, the commission recommended that the Commissioner of Education work with the Maine Adult Education Association and the Maine Community College System to colocate adult education programs with community college campuses where feasible, to provide seamless remedial course offerings to low-wage adult students and to maximize the value of federal financial aid to students. Where such colocation is not feasible, the commission suggests that the Commissioner of Education work with the Maine Adult Education Association and the Maine Community College System to review, update and implement memoranda of understanding that allow acceptance of competencies and a seamless transition between adult education and college programs; and

WHEREAS, the commission recommended that the Department of Education continue to implement and expand the pilot programs of the Maine College Transition Program coordinated by the adult education system; and

WHEREAS, the commission recommended that, to the extent resources allow or are provided, the Department of Labor, the Department of Education, the Maine Community College

System and the University of Maine System create a uniform data collection system relating to nontraditional-aged students, including but not limited to household income and employment at time of entry into the system, prior training and learning, type of program sought, retention benchmarks, stop-out periods, type of program completed, completion dates, duration of time in school and outcome data; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature seek to provide resources necessary to create a system of benchmarks that tracks performance in enrollment, retention and credential completion for low-wage, low-skilled adults and that rewards performance of the institutions that contributed toward the achievement of the relevant benchmarks with incentive funds from a pool of resources established for the purpose; and

WHEREAS, the commission recommended that the Governor's Workforce Cabinet consider the feasibility of utilizing Department of Education 3-year grant funding to track the path of secondary school students, including participation in adult education programs, enrollment in postsecondary education and training programs through completion of a postsecondary education degree and certificate program and into employment in a new or better job. The commission suggested that the Governor's Workforce Cabinet design a measurement and accountability system to track Maine's progress in increasing the number of low-wage, low-skilled adults who attain postsecondary education built upon the existing data collection and management capacity of state agencies and postsecondary education systems; undertake a review of all current indicators across systems; assess existing data collection systems; and recommend a uniform set of indicators, databases and surveys that should be established and updated. The commission further suggested that the Governor's Workforce Cabinet report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs matters and labor matters by the first day of the First Regular Session of the 124th Legislature concerning the measurement and accountability system and include in its report a recommendation for the appropriate oversight body to keep track of students and their success; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our support of the recommendations made by the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults.

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

READ and **ADOPTED**, in concurrence.

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

ENACTORS

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

Acts

An Act To Recouple Maine Estate Tax with Federal Estate Tax
H.P. 1081 L.D. 1556
(C "A" H-633)

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

An Act To Amend the Animal Welfare Laws
H.P. 1545 L.D. 2171
(H "A" H-982 to C "A" H-965)

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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Lobbyist Disclosure"
S.P. 481 L.D. 1393

In House, April 10, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-968)** thereto, in **NON-CONCURRENCE**.

In Senate, April 10, 2008, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **MARRACHÉ** of Kennebec, the Senate **INSISTED**.

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 Regarding Flavored Cigarettes and Cigars
H.P. 1676 L.D. 2316

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

Emergency Resolve

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities

H.P. 1417 L.D. 2033
(H "A" H-975 to C "A" H-890)

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

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

ENACTORS

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

Acts

An Act Requiring Long-range Budget Planning
H.P. 998 L.D. 1424
(C "A" H-993)

An Act To Ensure Legislative Review of Fire Sprinkler Rules
S.P. 775 L.D. 1981
(S "A" S-592 to C "A" S-471)

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
(H "A" H-976; S "B" S-560
o C "A" H-818)

An Act To Amend Certain Laws Related to Environmental Protection
S.P. 809 L.D. 2119
(H "A" H-987 to C "A" S-482)

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

An Act To Protect Consumers' Gift Card Interests
H.P. 1551 L.D. 2181
(C "A" H-940)

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

An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance
H.P. 1597 L.D. 2236
(C "B" H-962)

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 Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry
S.P. 860 L.D. 2228
(H "A" H-981 to C "A" S-522)

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

Resolve, To Support the Inclusion of Labor Education at Maine Public Institutions of Higher Education
H.P. 115 L.D. 123
(H "B" H-964 to C "C" H-908)

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

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence. (Roll Call Ordered)

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

ENACTORS

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

Act

An Act To Amend Motor Vehicle Laws
H.P. 1459 L.D. 2075
(C "A" H-913)

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

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

ENACTORS

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

Emergency Measure

An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development
S.P. 908 L.D. 2283
(C "A" S-581)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#432)

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

NAYS: Senators: None

ABSENT: Senator: GOOLEY

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

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

COMMUNICATIONS

The Following Communication: H.C. 521

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

April 11, 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 adhere to its previous action whereby Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (H.P. 1503) (L.D. 2123)(EMERGENCY) Failed of Final Passage.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Remove Impediments to Changing County Government Fiscal Years"

H.P. 1660 L.D. 2302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-979).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979) AS AMENDED BY HOUSE AMENDMENT "A" (H-995)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-979) **READ**.

House Amendment "A" (H-995) to Committee Amendment "A" (H-979) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-979) as Amended by House Amendment "A" (H-995) thereto, **ADOPTED**, in concurrence.

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

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

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors"

H.P. 756 L.D. 1038

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-978)**.

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot

Representatives:

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

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

Signed:

Senator:

COURTNEY of York

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-978) AS AMENDED BY HOUSE AMENDMENT "A" (H-997)** thereto.

Reports **READ**.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Monday, April 14, 2008, at 10:00 in the morning.