

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature
State of Maine

Daily Edition

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

In Senate Chamber
Thursday
April 17, 2008

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

Prayer by Senator Dana L. Dow of Lincoln County.

SENATOR DOW: Thank you, Madame President. Permission to pray for the last time. Grace and peace to you from God the Father and the Lord Jesus Christ. Each of you is special in the eyes of God and here we are again. Each of you deserves the same; well done, good and faithful servant. You have run the good race. As leaders you have been given special responsibilities. As we leave we still have these special responsibilities to perform because of our position of leadership. I leave you with these familiar words as to how we are to perform our duties. We can do these duties, not because of who we are or because we have to, but because of what God has already done for us and continues to do for us daily. I want you to think of this passage not as an imperative in how we are to treat people but as a gift from God to each of us individually. We can do this because God views each of us this way each and every day, thereby lifting our burdens. Let us be in the spirit of prayer.

Love is patient. Love is kind. It does not envy. It does not boast. It is not proud. It is not rude or self-seeking. It is not easily angered and it keeps no record of wrongs. Love does not delight in evil but rejoices with truth. It always protects. Always trusts. Always hopes. Always perseveres. Love never fails. May the Lord's blessing be upon you. Amen.

Reading of the Journal of Wednesday, April 16, 2008.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill
"An Act To Enhance the Security of State Credentials"
H.P. 1669 L.D. 2309

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-1020).**

Signed:

Senators:

DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

HOGAN of Old Orchard Beach
BROWNE of Vassalboro
MARLEY of Portland
CEBRA of Naples
THOMAS of Ripley
ROSEN of Bucksport

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

Signed:

Senator:

DAMON of Hancock

Representatives:

THERIAULT of Madawaska
MAZUREK of Rockland
PEOPLES of Westbrook
FISHER of Brewer

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-1020) AS AMENDED BY HOUSE
AMENDMENT "B" (H-1026)** thereto.

Reports **READ.**

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the
Minority **OUGHT NOT TO PASS** Report, in **NON-
CONCURRENCE.**

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Over the past couple of weeks I've stood before you trying to make speeches that would have you join me in protecting everything from clams to scallops to elwives to roads to bridges. I stand before you this morning and ask you to join me in protecting something that's much more important than all of them. I ask that you join with me to stand up for and to protect our civil rights and our freedoms. It is these very liberties, these very freedoms, that set us apart as Americans from every other country in the world. It is these civil liberties and these freedoms that have been granted to us by our constitution and it is these freedoms that have been guaranteed to us by the blood of our fathers and our mothers and our brothers and our sisters who have given their lives that we may live to be free. Their battles have been against those who would oppress us. Those wars were easier to define. The threat was clearer. The call to arms was louder. Make no mistake, our freedoms are under attack again. Ladies and gentlemen of the Senate, we are now faced with an assault on some of our most basic rights. Rights so

fundamental to our democracy that sadly we take them for granted. Rights so important to us and so basic that we proclaim them as central to our independence when we said we hold these truths to be self-evident. Ladies and gentlemen, life, liberty, and the seeking of happiness are so integral to our being as free and independent Americans that we must never, never, never relinquish them. Furthermore, we are told whenever any form of government becomes destructive to these ends it's the right of the people to alter or to abolish it. Members of the Senate, it is our right, but it's more than that, it's our duty to protect our liberty and it's our moral obligation to honor those who before us have done the same.

Today we are faced with a threat to our liberty. Our freedom is under attack, not from foes foreign who wish to gain control over us for any host of reasons. We have always vanquished them before and will continue to do so. No, my colleagues, we are not being threatened by any of the traditional enemies. Instead we are being threatened by the only enemy capable of conquering us. We are our own worst enemy. Yet we must rely on we to defend us.

We're currently confronted by a bill that would have us submit to policies that are unduly and, in my opinion, unnecessarily infringing upon our civil liberties and our individual freedoms. L.D. 2309 is a response offered by our Chief Executive and this legislature to the Federal Homeland Security Administration's demand that Maine get back in line and comply with the so-called Real ID Act. As a reminder to you, this legislation and this legislature voted last year to enact a law prohibiting our participation in this Real ID program. We said no then and we should continue to say no now. You have received some details about the cost of Real ID, perhaps it's coming to your chairs now. These figures came from the Congressional record. These aren't figures that somebody pulled out of the air. You can see that the estimated cost of the program is over \$14 billion. You should also note that the vast majority of the payment for this federal program comes from the states. Maine's portion exceeds \$71 million. We've gone through some of the most excruciating times that we've been through here in the past six years that I've been here trying to cut money out of our budget so that we can balance it and we're looking at an additional \$71 million. That figure alone ought to be enough to sour you from joining that march, yet together the greater cost is by far the price that we're being asked to pay by handing over our freedoms and our liberties.

Real ID is supposedly not the issue here. L.D. 2309 cleverly shies away from the Real ID issue and instead repackages this pill in a clever coating called 'An Act to Enhance Security of State Credentials.' Who wouldn't want to do something like that? After all, security and enhancement of credentials all sounds like noble pursuits. If that isn't enough to move you, some apparently figure that it isn't, perhaps you will swallow this bitter pill more readily if you are threatened. The federal government now says that Maine people will not be able to board planes or enter federal buildings using their Maine driver's license because we don't subscribe to the edict presented in L.D. 2309. Really. Does it occur to anyone that perhaps we ought to challenge that edict? That on it's face it violates our right to travel unfettered throughout this country? We ought to challenge it. Then there is the small issue that L.D. 2309 requires Maine to institute laws regarding legal presence that no other state in this country is required to do. Ladies and gentlemen of the Senate, Maine is the last state in the union to be granted a waiver under the federal Real ID program

even though some states did not even apply for a waiver, and Maine did. We are being required to institute such things as facial recognition scanning technologies. Required to provide photographs of people applying for driver's licenses and then submitting them to a data base for future reference. Required to participate in the federal saved data base, institute coterminous documents, and come up with a way to determine whether a person is in this country legally. I don't think I happened to mention before but I will now that there apparently is no current standard acceptable definition of legal presence. According to our leading military officer, General Libby, who is Director of Homeland Security for Maine, and I quote from his testimony offered before the Joint Standing Committee on Transportation in March of this year; 'At the February 28th meeting of the committee I was asked as a part of the discussion to research and propose language that the committee might consider should they desire to add a requirement to show legal proof of residence as part of the process of obtaining a Maine driver's license. Legal presence is generally defined as meaning that a person is either a U.S. citizen or is legally authorized to be in the United States. In researching acceptable forms of identification for proof of legal presence I used the 2007 United States Driver's License and State ID Information and Application Guide from U.S. Publisher's Inc. I talked with representatives from the Coalition for a Secure Driver's License, a nonpartisan not-for-profit organization that has recently met with Department of Motor Vehicle officials in Maryland, New York, Vermont, Oregon, Virginia, and Massachusetts. The facts are that no standard definition of legal presence exists at the federal level and therefore no list of acceptable forms of proof of legal presence exists.' No, no. 'Among the states that have adopted a legal presence standard there is little consistency in the list of acceptable forms.' Little consistency. 'A thorough analysis of the definition of legal presence which provides for meaningful debate and input of stakeholders, both for and against, cannot be completed prior to the end of this session. Language proposed by the Secretary of State to strengthen residency requirements, accompanied by a rulemaking process, was reviewed and agreed to by the Commissions of the Departments of Public Safety and Defense and Veteran and Emergency Management.' That's a different bill but it has relevance to what we are talking about here today.

These are the recommendations of General Libby; the committee pass emergency legislation this session to strengthen residency requirements for the issuance of Maine driver's licenses. Ladies and gentlemen of the Senate, we've done that. It will be back before us today. It was a good step. Something that we ought to do. Something that we did. Something that was recommended. This bill, L.D. 2309, is being used and its intention is being justified by citing a need to fix Maine's lax driver's license rules. Those rules have been addressed and the fix is in this legislature now. The changes that will require that the driver's license only be issued to people who are Maine residents will pass this legislature's scrutiny before we adjourn. The rest of what this bill demands is punitive or unnecessary or both and ought to be rejected.

My most revered friends and colleagues, the battle is on and it's before us now. The time is here. The time has come. The last stand is ours to make. Right here in this Chamber, in this tiny little state, we have become the last soldiers standing to save our union and its freedoms. I urge you to aim straight, fire until all your bullets are gone, and then resist to your last breath this assault. This may very well be the single most important battle

we fight together. The last time this country faced such an assault to our union the threat was more overt. The response was more pronounced. The result divided us but it did not defeat us. President Lincoln said it best as he stood on the battlefield at Gettysburg during that Civil War and his words remain today in the minds and the hearts of all Americans, 'We here highly resolve that these dead shall not have died in vain and that government of the people, by the people, and for the people shall not perish from the earth.' I urge you to support the pending motion and defeat L.D. 2309. Thank you, Madame President.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. Don't expect a long oration like you just heard. I know time is limited. I just want to mention a few facts. The agreement negotiated between the Governor and the Department of Homeland Security does not require Maine to submit any information to a data base. In fact, no such national data base currently exists. The agreement negotiated by the Governor only requires Maine to establish legal presence and legal residence in our driver's license statute and related conditions. The bill helps to ensure the integrity of Maine's driver's licenses. Maine's current driver's license process allows out-of-state residents to come to Maine, secure a license under false pretenses, and then leave. It also allows non-resident, illegal aliens to secure a Maine license, which creates serious consequences for the integrity of our license, our law enforcement, and our security. If you go back and read the news clippings about the non-resident who got a license, bought a gun, and held up a bank, that's proof that we need to do something. As far as SAVE is concerned, SAVE is currently being used by the Maine Department of Human Services on a regular basis. SAVE only verifies the validity of documents provided by non-citizens. I could go on further but just ask me the questions and I may have the answers. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion, though I will not be able to speak nearly as eloquently as my good colleague from Hancock, Senator Damon. I believe that this legislation is an affront to the state of Maine and to the citizens thereof. One of the most egregious concerns that I have in the way that this has been portrayed nationally is that there are some suggestions that this will make us safer and that had this been in place it would have stopped things like what happened on September 11th, those terrorist attacks. It's important to recognize that of the 19 September 11th hijackers 17 of them were in this country legally and had driver's licenses that would not have been prevented through this legislation. The extent that the argument is that we need to go down this path, spend millions of dollars, and violate the rights of Maine's citizens to stop the next 9/11 is false. This bill would not do it. The Real ID Act would not accomplish that task. We must understand that in going down this road we are not accomplishing the core mission of the program.

Secondly, it is wrong for the federal government to impose new requirements upon the states that will cost millions and millions of dollars to comply with without any resources. It's

particularly egregious in areas of immigration. I was just reminded of a provision in Article 1, section 8 of the United States Constitution, which specifically enumerates the powers of Congress. Among them is that Congress has the exclusive right to establish a uniform rule of naturalization, but they have abrogated that responsibility and instead looked to the states and said, 'You do it piecemeal, we don't want to.' They cannot do that under the federal constitution.

It also is particularly problematic that Maine is being treated differently than other states. The people of Maine should have every right to travel as any other person in this country. In fact, the federal constitution has repeatedly been interpreted to apply a right to travel, a right of citizens to travel between the states. We have now been told that if we don't undertake onerous burdens that no other state has been required to do and spend millions of dollars our residents will not be able to travel with their driver's licenses to other states even though the folks in Hawaii, who specifically passed an act that they were not going to comply with Real ID and has no legal status requirement, will be able use their licenses to travel to Maine, but Maine will not be able to use their licenses to travel to Hawaii. There is nothing different between the two licenses except the fact that the federal government has chosen to give them a waiver but forced us to blink. Similarly Montana and South Carolina didn't even pass laws opposing Real ID. They didn't even ask for a waiver from the program, but they objected to it publicly and the federal government said, 'Okay, we'll give you a break.' For some reason they decided that they are going to make an example of the state of Maine and require us to spend millions of dollars without even giving us time to explore the most cost effective ways of compliance so our residents cannot travel to other states with the same requirements on their driver's licenses.

With respect to the cost, we are being told that we have to rush this legislation through right now. We don't. We do not. We should have the opportunity to take the time, even under the terms laid out by the federal government in response from a letter from the Chief Executive. We have time, at least through December 15th of this year, to work this out. We should be exploring, if we are going to go down this road, the most cost effective ways of compliance to do the minimum necessary at the minimum cost instead of rushing this thing through at the end of the session. We deserve that time. We have a right to that time. The 124th Legislature will be convening by December 3rd of this year. There will be time to act, even under the artificially imposed deadline of December 15th of this year. For those who would suggest that we have to act now, we simply do not. It is not wise and it does not protect the people of this state to rush through legislation that has not had the chance to be fully vetted and to find the least costly way to comply.

I'll finish where I began in terms of the issue of safety. We've heard from many who said that this law will not improve the safety and, quite frankly, could make us less safe. The more barriers you place to getting driver's licenses the fewer people will get them. If they don't have driver's licenses they are not even within our state system and it makes it much harder to track those individuals should we ever need to. This bill does not improve our safety. It unfairly harms the people of the state of Maine and interferes with their right to travel. I would urge you to support the pending motion.

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

Senator **DIAMOND**: Thank you, Madame President, men and women of the Senate. I don't very often disagree, as a member of the Transportation Committee, with my Senate Chair, the Senator from Hancock, Senator Damon. I don't necessarily enjoy that, but there's something I enjoy even less. I don't enjoy being put in this position through the various e-mails and various people who are spinning this bill about those incorrect assumptions about those of us who support the Majority Report, that somehow we are not caring about immigrants, people who come to this country to make their lives better and, in doing so, make our lives better, and that we are too intolerant of big government intrusion and that we are being simply insensitive. This bill, ladies and gentlemen, buys time. It buys time for us to make the fight. The Governor has agreed. He's written an agreement with Secretary Chertoff in Washington that will give us the same opportunities as 49 other states to make the fight, to make the changes, and to make Maine be heard. If we don't pass this legislation, which is simply an agreement from our Governor to Secretary Chertoff, come December 15th people in Maine, 1.3 million, will not be able to use their driver's license to get on a commercial airline because that license will no longer be valid identification. In essence, we're telling people in the state of Maine, 'Sorry, we couldn't agree. Find another way.' The people of this state will be angry. They won't be angry at somebody they don't even know in Washington, they will be angry at you and me. Rightly so. To me, we need to consider the welfare of the innocent Mainers who are involved. To me, it's the height of arrogance for us to say, 'Sorry, we couldn't agree. Find another way.' In medicine the first rule is do no harm. That should apply to this legislature. We should be compelled not to put Maine citizens in the crossfire between Maine government and the federal government.

As I mentioned earlier, the supporters of this Majority Report, if they vote for this, will be defined as someone who is not caring. The assumptions will be that you are uncaring and intolerant to the plights of those people who have made this country great. That's a fool's assumption and I think it's based on ignorance and political spin. You know I, like you, have a rich history of immigrants in my family. My grandfather was born in 1885 and he came here along with 12 brothers and sisters, as he was one of 13. In fact the 13th was named Grace Enough Diamond. His father was an immigrant from England who went to Canada and then, get this, illegally came to the United States. He settled in East Livermore. His mother came from Ireland. Back then, at the turn of the century, discrimination was not very subtle. They were dirt poor. They were illegal immigrants. They were Irish. In my genealogy one of the neighbors in the town wrote, 'The Diamonds are so poor that many people shunned them, as was the practice of the time.' I ask you to scoot ahead a century to 1998. My son-in-law, before he was my son-in-law, was 100% Canadian. Grew up in the poorest part of Montreal in a basement apartment that flooded when it rained. He came to this country at age 19 and was called a frog, dumb Frenchman, and all those things and much worse. He could do something a little bit better than some others and he got accepted because he could play a sport. Most people don't have that advantage. I would say the people we are trying to protect with the Majority Report on this bill are all the people in this state. Those who are coming here. Those who want to come here. Those we want to be here. Those who have been here. I would ask you to pass this Majority Report to give us a chance to make the fight. When I was growing up I learned there were two ways to fight; you can fight stupid and you can

fight smart. I usually fought stupid, which means you weighed in, didn't think about the consequences, and reacted. I did all those things because it is tempting, for that immediate gratification, to say, 'Let's give it to them.' We have to fight smart. Maine deserves to have its leaders fight smart. The battle goes beyond December 15th. If we fight smart we can go on beyond December 15th, just like 49 other states. I would ask you to join me in defeating the motion before us because the time has come. We deserve the right to fight. Let's fight smart. Thank you, Madame President.

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

Senator **BOWMAN**: Thank you, Madame President. I don't enjoy all the debate in this Chamber. I especially am admiring of the debate that I've heard recently from my colleagues. Much of my life I have spent in a very highly secure environment and I love the phrase, 'If I told you about some of those things I'd have to kill you.' Not to be taken literally, of course. I've learned a number of things during that experience. A couple of them are that most security measures are more fluff than substance, and I see that in these measures put forth by Homeland Security, and secondly, that many security experts are very narrow-minded, small thinking people. It's discouraging, but it's all too often the case. I see that in the measures put forth by Homeland Security. I don't claim to be a security expert. I'm an engineer. I'm not a security expert. I see in this bill capriciousness and singling out Maine because we dared to stand up to authority. That's all too typical, and I don't want to get into this, of what happens in Washington D.C. these days. Perversely, many of the measures espoused by Homeland Security may actually make us less secure rather than more secure. As was stated before, Real ID costs real money. In fact, many of the things may undermine our Constitutional rights.

That said, my experience has taught me to do two things and do them in parallel. I think I heard some of the previous speakers say that. I just want to drive the idea home. You comply with the law and in parallel you fight like hell to turn it around. We need to do that. I do not see that strongly enough, if at all, in the bill in its present form. In some ways, like many issues in life, it's a matter of head versus heart or head working with heart. You can process some things in your brain but your heart tells you certain other things. My wife has schooled me in this way of thinking and it pervades my actions and thoughts, especially on this issue here. I will support any bill, any amendments, that work in parallel to comply with the law and works so hard, as much more articulately than I can say, to right the wrongs. Thank you very much.

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

Senator **MARTIN**: Thank you, Madame President and members of the Senate. I'm pleased to follow both of the colleagues who have spoken because I, frankly, have to agree with both. I was sitting here just before I began to speak thinking of my own family that was in North America before Maine even existed. They were part of an influx from France into Quebec City, on my father's side, and Acadian on my mother's side. When they lived in northern Maine they lived on British territory and on disputed territory between Mars Hill and the St. Lawrence River. Maine became a state, as you all know, in 1820 with a disputed

boundary, not settled until the Webster-Ashburton Treaty of 1842, where this legislature appropriated \$50,000 in the middle of the night to raise a militia to remove the British from the valley. It was a number of years later when the boundary was actually laid out and we finally had a boundary that separated family members on both sides of that river where family members still reside. Today that boundary is a hindrance to relationships and to families and it gets worse day by day. Recently I was at the border and crossed into Canada without a single problem. They just waved me in. When I came back to the other side there stood, at the border, a former University graduate and student of mine who had just come back from training with a supervisor behind him. He just looked at me. I knew he needed my driver's license, but he didn't dare ask. Finally I said, 'Do you want my driver's license?' He said, 'Would you mind giving it to me, Mr. Martin?' I did. Later in the day I had to go back to Clair. I came back across the border and the same former student was still there. I had to give it again. What happened to me is happening along the valley and along the border of Maine and we haven't even gotten to the next step. When this issue was raised I finally said to the Chief Executive, 'Why don't we just buy passports for everyone? In the long run it's going to be cheaper. We'll be done with it and we won't be where we are today.' It wasn't good enough for our friends in Washington because we weren't caving in to their desires.

If any of you think, as we sit here in Augusta, that all of that is making us more secure along the border just keep in mind about that border. Right now we have a plane, paid for with federal funds, that flies along the border once a day. Up one side of the Canadian border and down the other. We have border crossings that are probably in total length a mile, if that, where you have security. In some locations on the east side of the border they have these lines that can be broken if you cross. They tell you if someone has gone across. When the moose and other animals cross it sets them off and the border patrol runs from Ft. Fairfield or Houlton or Van Buren to check and see what it is and they'll see the hoof prints. If you think that makes us more secure let me bring you into Canada and I'll find you a way to come back into this country in a way that you will never see another human being. All we are doing is making it difficult for honest citizens to re-enter this country.

With all that having been said, where does that leave us today? I know I'm just relaying the facts you already know. I have to agree that we have to fight. We hope that our representation in Washington will do the same. Maybe since it happens to be a political election time it's time for the citizens of Maine to demand, to insist, upon their elected officials, as they run for re-election, that they need to do something about this. If they don't, and there is time left before they adjourn, then we ought to tell all Maine's citizens to vote against them.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I remember 9/11 well. I remember that there was a promise that we would not let those terrorist actions defeat us, but we have been letting Washington allow those terrorist actions to defeat us. Slowly but surely our freedoms are being picked off one by one. There is a quote I'd like to read you. 'Loss of freedom seldom happens over night. Oppression doesn't stand on the doorstep with a toothbrush mustache and Swastika armband. It creeps up insidiously, step by step, and all of a

sudden the unfortunate citizen realizes that it is gone.' When we go to the airport today we may only have to show a driver's license, but I've seen people nearly strip-searched with shoes taken off, jackets, and every pocket searched. These are innocent people with their freedoms being picked apart by our fear, and fear is what will take away our democracy and our liberties. I saw recently on a news media program something that was being touted as a wonderful new way to see if there were things being hidden in people's pockets when they showed up at an airport. It is a machine that you walk into and radio waves are bounced off your body and takes an identical picture of your body. Absolutely every piece of your body is searched, essentially, by this particular machine. I guarantee you that I was able to see every single bit of the body of the man who stepped in there. They said this wonderful machine was being watched by a woman in a backroom on a computer screen. They said, 'Isn't this a wonderful thing, that we can see every bit of this man's body?' Believe me, that was possible. What a wonderful thing it was and how secure it was. I ask you, when people can break into the Pentagon's computers, how secure are those photographs of your bodies? They will be all over the place. Anybody can see that. I'm saying this and being so explicit because it is the direction we are going in. It's outrageous. Is this the direction you want to go, where every time you fly on a plane you have a naked picture taken of your body to insure that somebody hasn't got some pocketknife or keychain?

There is a friend of mine in Orono who had overtaken an island. He said, 'Elizabeth, come out after your election and we'll have a party for you.' I said, 'No, George, I'm not interested in that.' He said, 'Why not?' I said, 'George, you put cameras up all over that island.' He did it because he said he wanted to be secure. You know, for Homeland Security kinds of things. I understand there is a big market in that right now. I said, 'George, I'm not interested in having everything I do watched by a camera.' He said, 'Well, Elizabeth, wouldn't you rather have protections than have somebody come up from behind you and grab you?' I said, 'Absolutely not. I will defend myself.' I don't want cameras looking at everything I do and everywhere I go. What happened to our freedoms? Are we really safer? Not very long ago a child got on an airplane on the west coast and made it all the way to Arizona, I think it was, without anybody noticing anything. As our freedoms go away, and we think we're so safe, people can walk on with all kinds of weapons and all kinds of things anyways. We're paying billions of dollars for this. It's money, but more frightening to me are our freedoms that are slowly and surely being picked away in the name of freedom. There are people who say that they don't want big government. This is government at its worst. This is government intrusion like you cannot believe. 'The natural progress of things is for government to gain ground and for liberty to yield.' Thomas Jefferson. 'A small leak can sink a great ship.' Benjamin Franklin. Look to our forefathers and what they did to try to protect us from ourselves, from our fear. Don't let us sink this great ship, this great democracy that we have, by slowly allowing our civil liberties to be picked away one by one. This is certainly another step in that direction and if you don't think so, friends, look down the road and also look back at where we came from. This is the direction that we are going and that's why I think the citizens of Maine will understand that we are fighting a fight that is much greater than just an identification issue. This is much greater. This is at the very core of our democracy and our civil liberties. Please remember that.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I'd just like to make a couple of quick points. February 29th through March 1st I went to a weekend meeting in Detroit, Michigan. First, I'd like to say there is nothing I abhor more than federal mandates. Whatever it is. This is about a mandate. I'd also like to say that Senator Collins did sit down with Secretary Chertoff a couple of weeks ago for an hour and she told me that she convinced him that we needed to have a break in what we were doing, an extension or a waiver. She did have a lot of input into this discussion. The meeting I went to there was with the Council of Governments that paid the bills. There were no State monies in my going to Detroit, Michigan. I can tell you that Detroit, Michigan, is not a vacation spot. This meeting wasn't so much about the Real ID. It was enhanced driver's licenses. That's what it was. There were 20 states there, the border states. All the Provinces were there. I was the only one there from the state of Maine. I brought back a whole bunch of information about this subject. I met a lot of people from other states that were involved with driver's licenses. There are other states that are working together, collectively, to come up with enhanced driver's licenses. There is a lot of interplay going on at the present time. I guess, from my perspective, I would like to make sure that the state of Maine is going to have the best enhanced driver's license that we can have and that we are working with other states with what they are doing because I think, collectively, maybe we can have a better shot at what we are trying to do. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. In the other Body, during two different legislative sessions, we spoke over and over again about the difference of opt-in and opt-out with our charge cards. I was very much in favor of the opt-out because our banks and businesses were at a very distinct disadvantage. I heard people talk about how they did not want their financial information to be sold to other people. You've read about the Hannaford piece with the debit card. The debit card, that was the new way. You weren't going to have to call. You weren't going to have to carry cash. It was going to be safer for you. You put it in and you take it out. When you use your debit card, and I have succumbed to using a debit card even though I held off for years, they know every brand I buy in the stores. They know my social security number. People, when do we finally take a stand? We have been imposed by our government that we will submit to a national file, a listing. That's what that is. Real ID. That's what it comes down to. We were told our licenses needed to be made more secure. Indeed, we did. In fact, we overwhelmingly passed a law to be sure that they were stronger and that you were a resident. \$71 million for making us comply. I've seen us fight over a \$30 fee called a mandate over a harbormaster. \$71 million and we don't seem to care. We spent hours on Dirigo. \$71 million and we're being told that this is what we'll do. I cannot submit to the fact that I came here and we're going to establish some type of listing. What else will they decide to know later? Will that be how they do the census? I just found out they are going to have to resort to people this time to count. Will they do the census next by that

license that they have, that storage? We just had three major campaign candidates for the President of the United States and in Washington DC they had their passport applications looked into. Running for President of the United States. Where was their security? Where were their rights? I look at our young page today. If only I had her energy to start with. If only I had her cuteness. What do we do with our young people that don't drive? How do they get onto these airplanes? Do we demand that our children that don't have driver's licenses have special affidavits stating that this is your child or your grandchild? What do you do when you send those children that come from divorced homes, maybe during the summer? These are questions we don't know the answers to and we're willing to spend \$71 million. I will close because I saw the look when I pressed my light. I will close with part of the Declaration of Independence. There are several parts to the Declaration; the preamble, list of grievances, the intention, and the declaration of independence. One of them says in the grievances to King George III, 'We abhor the fact that he has suspended our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever.' The Declaration of Independence says one of the reasons was that King George III wanted to declare any laws we made not workable and that we found that objectionable. Here we are today, the laws we have made, the license we have strengthened now by declaring that you be a citizen of Maine, and rightfully so, are not good enough. This legislature cannot make this law, but by the Declaration of Independence it was a reason to declare our independence. If we do not learn from history, unfortunately, we are condemned to repeat the mistakes of the past. I cannot and will not support Real ID. I do support working with other people, but we have to declare our own independence. Thank you.

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

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency

An Act To Study the Feasibility of Locating a New Bridge in the St. David Area

H.P. 394 L.D. 511
(C "B" H-643)

Tabled - January 24, 2008, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, January 17, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-643)**, in concurrence.)

(In House, January 22, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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-643)**, 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-643).

On further motion by same Senator, Senate Amendment "A" (S-655) to Committee Amendment "B" (H-643) **READ**.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. This bill, which does what the title says it's going to do, studies the feasibility of locating a new bridge in the St. David area and had a fiscal note on it of some \$200,000. Because of an agreement that was worked out between the general services administration, the State of Maine, and the Province of New Brunswick that fiscal note has been reduced considerably so that the amount due from the State of Maine is less than \$30,000 and it is said to be able to be absorbed in the planning budget of the Department of Transportation. It also has been changed from an L.D. into a Resolve, so we're just directing that to happen. That is the purpose of the amendment. Thank you, Madame President.

On motion by same Senator, Senate Amendment "A" (S-655) to Committee Amendment "B" (H-643) **ADOPTED**.

Committee Amendment "B" (H-643) as Amended by Senate Amendment "A" (S-655) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-643) AS AMENDED BY SENATE AMENDMENT "A" (S-655) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senator **SAVAGE** of Knox requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

COMMUNICATIONS

The Following Communication: S.C. 788

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	24
Unanimous Reports	20
Ought to Pass	2
Ought to Pass as Amended	13
Ought Not to Pass	4
Referred to Another Committee	1
Divided Reports	2
Committee Bills & Papers	2
Pursuant to Statute	1
Pursuant to Resolve	1
Gubernatorial Nominations	6

Respectfully submitted,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 789

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	27
Unanimous Reports	19
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	8
Referred to Another Committee	1
Divided Reports	6
Taken from Committee	
Pursuant to Jt. Rule 309	1
Committee Bills & Papers	1
Pursuant to Statute	1
Gubernatorial Nominations	10

Respectfully submitted,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 790

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers 38

Unanimous Reports	31
Ought to Pass	1
Ought to Pass as Amended	24
Ought Not to Pass	6
Divided Reports	5
Committee Bills & Papers	1
Pursuant to Resolve (divided)	1
Joint Study Orders	1

Respectfully submitted,

S/Bill Diamond
Senate Chair

S/Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 791

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers 35

Unanimous Reports	22
Ought to Pass	1
Ought to Pass as Amended	16
Ought Not to Pass	5
Divided Reports	12
Committee Bills & Papers	1
Pursuant to Statute	1
Gubernatorial Nominations	17

Respectfully submitted,

S/Peter B. Bowman
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 792

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	51
Unanimous Reports	45
Ought to Pass	8
Ought to Pass as Amended	22
Ought Not to Pass	14
Referred to Another Committee	1
Divided Reports	6

Respectfully submitted,

S/Joseph C. Brannigan
Senate Chair

S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 793

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	18
Unanimous Reports	12
Ought to Pass	0
Ought to Pass as Amended	4
Ought Not to Pass	7
Referred to Another Committee	1
Divided Reports	6
Gubernatorial Nominations	2

Respectfully submitted,

S/Bruce S. Bryant
Senate Chair

S/Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 794

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	20
Unanimous Reports	11
Ought to Pass	1
Ought to Pass as Amended	5
Ought Not to Pass	5
Divided Reports	9
Gubernatorial Nominations	1

Respectfully submitted,

S/Nancy B. Sullivan
Senate Chair

S/John R. Brautigam
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 795

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	28
Unanimous Reports	18
Ought to Pass	3
Ought to Pass as Amended	8
Ought Not to Pass	7
Divided Reports	10
Gubernatorial Nominations	7

Respectfully submitted,

S/Ethan Strimling
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 796

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	14
Unanimous Reports	11
Ought to Pass	0
Ought to Pass as Amended	8
Ought Not to Pass	3
Divided Reports	3
Gubernatorial Nominations	1

Respectfully submitted,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 797

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	34
Unanimous Reports	32
Ought to Pass	3
Ought to Pass as Amended	22
Ought Not to Pass	7
Divided Reports	2

Gubernatorial Nominations

4

Respectfully submitted,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 798

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	19
Unanimous Reports	15
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	4
Divided Reports	4

Respectfully submitted,

S/Elizabeth M. Schneider
Senate Chair

S/Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 799

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	56
Unanimous Reports	37
Ought to Pass	0
Ought to Pass as Amended	22
Ought Not to Pass	14
Referred to Another Committee	1
Divided Reports	18
Taken from Committee	
Pursuant to Jt. Rule 309	1

Respectfully submitted,

S/Joseph C. Perry
Senate Chair

S/John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 800

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	35
Unanimous Reports	22
Ought to Pass	1

Ought to Pass as Amended	12	
Ought Not to Pass	8	
Referred to Another Committee	1	
Divided Reports		12
Committee Bills & Papers		1
Pursuant to Joint Order	1	
Gubernatorial Nominations		2

Respectfully submitted,

S/Dennis S. Damon
Senate Chair

S/Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 801

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

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	38	
Unanimous Reports		26
Ought to Pass	3	
Ought to Pass as Amended	17	
Ought Not to Pass	6	
Divided Reports		10
Committee Bills & Papers		2
Pursuant to Public Law	1	
Pursuant to Joint Order	1	

Respectfully submitted,

S/Philip L. Bartlett II
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Stabilize the Department of Inland Fisheries and Wildlife's Bureau of Warden Service and Fisheries and Hatcheries Division"

H.P. 1668 L.D. 2308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1031).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1031).**

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

READ ONCE.

Committee Amendment "A" (H-1031) **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.

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 Teacher Confidentiality Laws
S.P. 912 L.D. 2291
(CC "A" H-1024)

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

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

ENACTORS

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

Emergency Measure

An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

H.P. 1662 L.D. 2304
(H "B" H-994; S "A" S-645)

On motion by Senator **DAMON** of Hancock placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

HELD MATTER

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)
H.P. 1667 L.D. 2307
(S "D" S-639; S "E" S-651)

(Committee on **APPROPRIATION AND FINANCIAL AFFAIRS** suggested and ordered printed)

(In House, April 8, 2008, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In Senate, April 16, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator **RAYE** of Washington, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Enhance the Security of State Credentials"

H.P. 1669 L.D. 2309

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** (8 members)

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

Tabled - April 17, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, April 16, 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-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026)** thereto.)

(In Senate, April 17, 2008, Reports **READ**.)

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

Senator **RAYE**: Thank you, Madame President, men and women of the Senate. The people of Maine are watching us. Their eyes are upon us. I truly believe that they wonder what we are thinking. When I listen to some of the over-heated rhetoric surrounding this bill I, too, wonder. This is going to require, in order to be issued a driver's license, that one must be legally a resident of the U.S. It's going to require that the license not extend beyond the time the licensee is authorized to be in the U.S. It's going to require that the Secretary of State take and maintain photographs of applicants. There is no data base that we have to submit information to. We heard that from the Senator from Knox, Senator Savage. There is no national data base. It doesn't even exist. I heard one member of this Body say that it was time that we exerted our independence, but we are not an independent nation. We are part of these United States of America. I think it is our responsibility to acknowledge that. We don't agree, each and every one of us or individually, with every law that is passed in this country, but we are a nation of laws and we are not a sovereign country in the state of Maine. We are part of these United States and I do not accept the premise that it is wise policy for us to act as if we are not.

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

Senator **BROMLEY**: Thank you, Madame President, men and women of the Senate. I know it's late and I know we've all taken the pledge not to belabor the debate. This debate, for me, goes to the very core of why I'm here. My father, Lee Bromley, was a patriot, a conservative who fought in the Korean War and WWII. He said to me, as a young person, 'I don't ever want to live in a country where I have to have papers.' That's really it. I know it would be easier to go with the flow, but I respectfully ask that we support the pending motion. Thank you.

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

Senator **BENOIT**: Thank you, Madame President. I'd love to share all kinds of stories about my heritage, but if you remember correctly in the last session a few people here felt I didn't need to know. I'll bypass all that and spare you all the details that I don't know about, but will in 2009. I would just like to take a moment to just state clearly what's been going on here. I'm just going to read through this so I can make it really quick. Maine's current law requires that in order to get a license you must present a valid Social Security number. If you don't have a Social Security number you must have written evidence to the Secretary of State that the applicant is ineligible to secure such a number. If an individual does not have a Social Security number the DMV enters 999-99-9999 in their data base. There are 2029 Maine state identification cards issued to persons with 9999 numbers; 1898 are currently active, 37 others have been suspended, and 69 have been voluntarily surrendered to other states in exchange for a valid driver's license in that state. There are 3417 driver's licenses issued to persons with 9999 numbers. Of these 3018 are currently active; 42 others have been revoked, and 267 have been turned in to other states or exchanged for a driver's license in the other state. There was a more than 340% increase in 9999 licenses being issued between 2005 and 2006. Of these licenses and state identification cards issued the resident's addresses listed on the document issued were as follows, and I'll just list a few; 14 were issued to persons claiming the Scotia Prince, 806 were issued to persons claiming the UPS store location, 108 were issued to persons claiming seasonal campgrounds here in Maine, 1254 used a UPS box as their main residence, one actually listed a hospital, two listed a hotel, seven listed commercial mailing facilities, and 3002 listed off-campus apartments or single family homes. It's time for us to take a look at this. I'm not sure what the confusion is. I don't see this as National ID. I didn't support National ID first time around. I was very outspoken on that. I don't see this as a threat to my independence. I see this as just putting everyone on the table so we know what's going on. I have received e-mails from law enforcement. They haven't got a clue. They can't do anything about it if they do have a clue. I'm not feeling safer knowing that this is going on. I don't know if I'm going to feel safe even if this passes and we identify this and take care of it. This is a step in the right direction from where I'm sitting.

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

Senator **SAVAGE**: Thank you, Madame President, men and women of the Senate. One more time, let me emphasize this bill does not, does not, I repeat, require us to participate in Real ID. We are not committing ourselves to \$71 million. Let me repeat that again. We are not committing ourselves to spending \$71 million. Thank you.

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

Senator **BRYANT**: Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **BRYANT**: Thank you, Madame President. My question is, on the 9999 numbers for licenses, I guess I'm getting a little bit

confused. On what does L.D. 2304 do? Can anybody answer that?

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

Senator **DAMON**: Thank you, Madame President. L.D. 2304, which is the Maine residency driver's license, addresses the issues that were brought up earlier by the good Senator from Sagadahoc, Senator Benoit. Issues that things were very lax for the State of Maine in terms of issuing licenses. It tightens those all up and I believe it requires a full Social Security number. Thank you.

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

The Chair noted the absence of the Senator from Penobscot, Senator **PLOWMAN** and further excused the same Senator from voting on this matter.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#459)

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

NAYS: Senators: BENOIT, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOW-MELLO, TURNER, WESTON

EXCUSED: Senator: PLOWMAN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

On motion by Senator **SULLIVAN** of York, 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 (#460)

YEAS: Senators: BENOIT, BOWMAN, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

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

EXCUSED: Senator: PLOWMAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1020) **READ.**

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020) **READ.**

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Trying to do away with the \$6 million fiscal note on this, this amendment places a contingency effective date on the bill to delay the implementation until after federal funding is received to cover the State's cost of compliance with the federal Real ID Act 2005. The Secretary of State is required to consult with other states agencies to determine the cost of compliance. This amendment also removes the appropriations and allocations section from the Committee Amendment. I would urge its adoption. Thank you, Madame President.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020).

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Albeit the good intentions; if this amendment were to be put on the bill it would essentially put everything on hold and essentially exempt everything this Majority Report would do. I would urge you to vote for the Indefinite Postponement.

On motion by Senator **RAYE** of Washington, 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 Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I would urge you to oppose the pending motion, in spite of the wishes of my good Senator from Cumberland, Senator Diamond, to do the opposite. In regards to some of the speeches that I heard earlier in the debate, we were talking about proceeding in a slow and cautious manner. My original motion might have been a bit too radical, but one of the things that my father used to say to me was that when you are in a hurry, go slow. This will give us an opportunity to go slow. This will give us an opportunity to conform to the requests of the federal government, which we have opted to do with our previous vote, and we will be on board with them as soon as they are on board with us. Please oppose the pending motion.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. If you look into this you will find there is no \$6 million fiscal note on this. Please support the Indefinite Postponement.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Indefinitely Postpone Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020). 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 (#4621)

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

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

EXCUSED: Senator: PLOWMAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020), **PREVAILED.**

On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020) **READ.**

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

Senator **BARTLETT:** Thank you, Madame President. In light of the foregoing votes, this Body has decided they want to move forward with compliance with the federal Real ID Act. I believe that it is important that we get this right and that we do this at the minimal cost to the state. Again, we just voted that we will fund this ourselves. The way to do that is to really explore the options and to make sure that what we bring forward is the best solution at the least cost for compliance for the State of Maine. We owe that to our taxpayers. Senate Amendment "C" would replace the Committee Amendment and create a taskforce that will be convened by the Secretary of State to study the most cost effective and efficient ways to enhance Maine's driver's licenses and ID cards in order to comply with the federal Real ID Act of 2005. In convening that group, the Secretary of State would bring together various experts on immigration law, advocates for rights of immigrant populations, law enforcement officials, and the Attorney General's Office to truly make sure we are doing this in the best possible way. The report back date would be December 3, 2008, the day that the 124th Legislature convenes again in this Chamber. That will give us time to fully vet the legislation and enact it to comply with the deadline pushed forward by the Department of Homeland Security. Indeed, in the letter from the Department of Homeland Security to the Chief Executive it specifically states that any measures that must be adopted by the legislature should take effect by December 15, 2008. As I said earlier, there is no need to rush something through that is imperfect or that may be much more expensive than the taxpayers of the state of Maine deserve. Let's take our time. Let's craft the best possible legislation at the least cost, which should always be our goal, and present that for enactment the day the 124th Legislature comes in on December 3, 2008.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020).

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. The good Senator from Cumberland, Senator Bartlett, said it right. What this does is strike the entire bill and replaces it with a Resolve. The Secretary of State can do a study anyways. I suspect he's going to. That's the purpose of getting us beyond December 15th, so that not only he but also the rest of us can be involved.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Indefinitely Postpone Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020). 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 (#462)

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

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

ABSENT: Senator: STRIMLING

EXCUSED: Senator: PLOWMAN

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020), **PREVAILED**.

House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto, **ADOPTED**, in concurrence.

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

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

Senator **MARTIN:** Thank you, Madame President. Before we vote on Engrossment, unless I'm wrong, and I'm reading the Committee Amendment right, this legislation will impose a \$15 fee, apparently some people are not calling it a tax, for non-commercial driver's licenses on every Maine citizen that has a license. I'm pleased to welcome certain members of this Body who have been opposed to voting for any fees. I'm going to watch them with pleasure as they vote for this one.

Same Senator requested a Roll Call.

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

Senator **SAVAGE:** Thank you, Madame President. The good Senator from Aroostook, Senator Martin, is reading the original amendment. The amendment that comes from the House scratches that.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I would point out that this was voted in committee

with the fee and so those members of that party voted for a fee. I want to point that out. I would pose a question through the Chair to a member of the Transportation Committee who may choose to answer.

THE PRESIDENT: The Senator may pose his question.

Senator **MARTIN:** Thank you, Madame President. How are we paying for this?

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

Senator **SAVAGE:** Thank you, Madame President. I would like to just point out to the good Senator that he should look at the report from the committee. It was bipartisan. It wasn't just this side of the Body.

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

Senator **SCHNEIDER:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you, Madame President. I would like to know how this is going to be paid for?

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026)** thereto, in concurrence. (Roll Call Requested)

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Enhance the Security of State Credentials"
H.P. 1669 L.D. 2309

Tabled - April 17, 2008, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026)** thereto, in concurrence. (Roll Call Requested)

(In House, April 16, 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-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026) thereto.)

(In Senate, April 17, 2008, Reports **READ**. Motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**. Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-1020) **READ**. On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020) **READ**. On motion by Senator **DIAMOND** of Cumberland, **INDEFINITELY POSTPONED**. On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020) **READ**. On motion by Senator **DIAMOND** of Cumberland, **INDEFINITELY POSTPONED**. House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020) **READ** and **ADOPTED**, in concurrence. Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto, **ADOPTED**, in concurrence. **RULES SUSPENDED. READ A SECOND TIME.**)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his request for a roll call.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026) thereto, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Health Care Bill of Rights"

H.P. 912 L.D. 1294

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-650)** (7 members)

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

In House, April 16, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-650) AS AMENDED BY HOUSE AMENDMENT "A" (H-1018)** thereto.

In Senate, April 16, 2008, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **SULLIVAN** of York, the Senate **ADHERED**.

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 Restore Equity to the Maine Public Employees Retirement System

S.P. 600 L.D. 1693
(S "E" S-621; S "G" S-652 to
C "A" S-451)

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:

COMMUNICATIONS

The Following Communication: S.C. 802

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

April 17, 2008

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

Dear President Edmonds and Speaker Cummings:

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

L.D. 2306 An Act To Amend the Definition of "Penobscot Indian Reservation"

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

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 Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services

H.P. 1466 L.D. 2080
(C "A" H-989)

Tabled - April 15, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-989)**, in concurrence.)

(In House, April 15, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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 "A" (H-989)**, 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 "A" (H-989).

On further motion by same Senator, Senate Amendment "A" (S-658) to Committee Amendment "A" (H-989) **READ** and **ADOPTED**.

Committee Amendment "A" (H-989) as Amended by Senate Amendment "A" (S-658) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **ROSEN**: Thank you, Madame President. Before we move on and this piece of legislation takes its final path here I do want to commend the work of the folks that have been involved in the development of this compromise. I will be supporting it but I want to also make the statement that this is a package that moves forward based on assumptions at this particular moment in time. Many of the hopes and expectations of what will become of this, both the long term impacts on the local property taxpayers and on the State budget and the income and sales taxpayers, hopefully will be a positive one. There are elements here, when it comes to costs and the future applications of this compromise, that none of us can predict. There are always opportunities, of course, at the local level that go well beyond this one particular component, cost center being local jails and corrections, that will fall on property taxpayers. Other components, other costs, other operations of government that are not addressed here, obviously, because this is a defined issue that is well crafted and ought to go forward. Many times when we launch an initiative like this there is an opportunity for the general community to accept assumptions that will remain in place and not change. One of the assumptions I am concerned about here is that here and forever more there will be resulting property tax decreases, or at least a reduction in the increase of the burden on property taxes. I certainly hope that is the case with this proposal, with the L.D. 1 cost containment limitations on local, State, and county government, and with all the other initiatives that this legislature and previous legislatures have put forth. That's something that none of us have direct control over and the future will unfold as the future unfolds. I hope those legislators that come after us are willing to accept the fact that this was a moment in time with a finely and carefully crafted compromise and we hope it will be successful and will offer relief to taxpayers and good management of the corrections system. If it doesn't end up that way, for other circumstances beyond the control of this legislature and the elements of this passage, we ask for future flexibility and understanding and that they come back and examine the full discussion that took place in this session.

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

Senator **DIAMOND**: Thank you, Madame President, men and women of the Senate. I will be brief. You've heard enough about this bill, I suspect, but this bill certainly will create, for the first time, a unified coordinated corrections system. For the very first time. As the good Senator from Hancock, Senator Rosen, just said, this is a moment in time because for the first time we'll be able to have coordination in our transportation, in our purchasing, and in our beds. The State has 100 more prisoners than they do beds. The counties have enough beds and a little more to take care of that. Now we can coordinate all of that together. We should come back and look at it in a year or two years, whatever it takes, because we want to make sure that this works. I do want to thank a number of people, not the least of which are the county sheriffs, lead by Sheriff Storey; the county commissioners, lead by Commissioner Jabar; the Department of Corrections; the Maine Municipal Association; and the Committee on Criminal Justice and Public Safety. That's a group you don't always see together, at least smiling. They did. They worked hard. They worked days, nights, weekends, holidays, and they never quit. For that I am very grateful and I thank them for all the work they did. I would then just urge you to vote in favor of this motion. As

one long observer of this state government said, this is probably the most dramatic change in three government systems in this state since 1820. I think that may be true. We hope that it works out. We have every confidence that it will, mostly because of all the people I just mentioned and the groups that have worked so hard, often times lead by Commissioner Magnusson. Again, I thank all those people. We're ready to move forward with this. This does have a great deal of potential. We're very confident it will work and we ask you to work with us to make sure that it is successful. Thank you, Madame President.

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

Senator **SCHNEIDER**: Thank you, Madame President, men and women of the Senate. First of all I want to say I really appreciate the work of all the parties who were involved in this effort. I know that it was a very difficult process. I went along with it to this point with great reservations and listening to people saying I should support this because of the compromise. There were some things that were just mentioned about collaboration, which I completely and thoroughly agree with, with regards to transportation and facilities such as beds and so on. I think all that should happen. Absolutely. The problem that I have with this, and still have real questions about, is that we are looked at expanding government. When, for example, the people of Maine asked us to increase funding for K-12 education, we increased state government to the tune of \$800 million. That's an expansion of state government that is looked at as though we are doing something wrong here even though the people of the state of Maine asked us to increase state government. Now we're faced here again with another proposal that essentially is increasing our state government. I don't think we're going to get credit for that and I also wonder if we are going to keep the promises that are made in this proposal later on down the line. I am always talking about connecting the dots. We just passed another proposal that will increase state government spending, which is a mandate that came down from the federal government. We are all afraid of mandates from the state to the municipal level but when it's a mandate from the federal government to the state level we seem to think that it's fine. We're going to increase state government because of that mandate. No question about it. It's even more distressing when I ask how that's going to get funded and nobody answers me, but then when I ask a colleague of mine they say we'll absorb it into the current budget with current resources. No, folks. I'm asked to cut, in the State and Local Government Committee, the departments that come under us. We're asked to cut employees, cut spending, and then increase the responsibilities that these departments have. I'm sick of it. I think it's wrong. Somebody needs to stand up and say that we can't continually increase the responsibilities of state government and at the same time, on the other hand, decrease the amount of money that they have and require them to absorb that. Look, the sponge is full already. It's maxed out. It's got as much water as it can take in right now. We keep piling responsibilities onto state government employees. How is this all connected? I was told that funding came forward. All of a sudden a rock was lifted up and low and behold there was \$1.8 million to fund this proposal. No. Now I am forced to vote no and I had great reservations about this to begin with because I think what's going to happen is that there are going to be some promises that are going to be broken and we're going to be pointed at for increasing state

government. Mark my words. We will be pointed to. You have just increased state government by this proposal going forward. I'm just amazed, constantly, at the double standards and the finding of money at the eleventh hour. I'm told we can't have money for this and we can't have money for that. We've got to cut state government but, low and behold, there under the pile of rubble happens to be \$1.8 million for this proposal. I don't want to belittle the hard work that everybody has gone through to come to this agreement, but I also question why the collaborations still move forward without this particular proposal. I think they can. I think they have to because I think we need to collaborate in order to better use resources. I will not support this any longer.

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

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I was in a cul-de-sac last night and I guess I'm in another cul-de-sac today. I think my good Chair of the Criminal Justice Committee had great conversations about this bill. I may be voting with the Senator from Penobscot, Senator Schneider, because last night I voted with the Senator from Cumberland on another one. The odd couple keeps on moving, I guess. We all do this political rhetoric and stuff and I'm too old to do that. What the Senator from Cumberland, Senator Diamond, and the committee did was show some of the greatest character I've seen in a long time. I understand the process of this. It started out in the budget. It was going to be in the supplemental budget. The Senator from Hancock, Senator Damon, said he was not going to vote for that budget if this was in that budget. They pulled it out. We worked long and hard. I must confess, I was there about 75% of the time. I think Representative Sykes might have kept track, but that's another issue. We went through this from beginning to end and the product, I believe, is about as good as 13 human beings can get it. We had a great analyst that was going through this with a fine tooth comb. In the end we did not have a public hearing, but I think the representatives of both sides were there. That's not my issue. Parenthetically I wish we'd done the same thing with the ed piece last year but that didn't happen. This is a step in changing the system, as the Senator from Cumberland, Senator Diamond, has already said. I have an amendment that I'm not allowed to talk about and if you looked at it there is a possibility that it's exactly the same thing with possibly a funding source in there. That was my concern. The good Senator from Penobscot, Senator Schneider, mentioned that. I won't tell the story of what we were told, because this is a \$5.6 million fund. I think I will. I think I'm protected here. We were told the money could be found to complete this for the county jails. We weren't told where it was going to come from because if this fell through we'd all be out sweeping the money. I went to Appropriations yesterday to watch part of that. I saw at least two of the three proposals. One said, 'Oh by the way, we'll take it out of revenue sharing.' Whoops, that didn't go too well. We were going to book two revenue agents, at X number millions of dollars apiece or whatever it was going to be. I guess we now have a third proposal. That highlights my concern because when this bill was originally put together we were going to save \$10 million. Jails were going to be closed.

Now we have a procedure, and I hope we've set it up so this actually works because there is some great skepticism with it for obvious reasons. This is something new. I will mark this on my calendar and see if we're going to save \$10 million over the next few years with this operating. I doubt that very much and I will be voting against this with a heavy heart. I talked to my good Senate Chair about that and he knows why I'm doing this. I'd like to see a funding source in this. I guess the people who have control over those funds don't necessarily want to give them up for this process. Thank you for listening.

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

Senator **McCORMICK:** Thank you, Madame President, ladies and gentlemen of the Senate. We actually began discussions over a year ago on this consolidation project, merging the county jails with the state prison system or what we now refer to as the unified corrections system. I have to admit there were more than a few committee members who felt this could never happen when we began. Many times we held work sessions and were approached by the stakeholders with comments like, 'This can never happen. We'll never agree to this. This will not work.' There were even times when I was not sure we'd be where we are today in moving this forward. I give great thanks to the leadership of the good Senate Chair from Cumberland, Senator Diamond, who repeatedly insisted the committee and all stakeholder groups continue working towards resolving the differences. I give great thanks to all the extraordinary efforts of so many people from county, municipal, and state government alike. We now have this proposal, L.D. 2080, in front of us. This bill has the overwhelming support, and that is not unanimous, of the counties, the sheriffs, the Department of Corrections, the Maine Municipal Association, and the Criminal Justice and Public Safety Committee. I recognize the concerns of the Senator from Hancock, Senator Rosen, and those concerns were expressed many times from many people during this process. Considering where we are today and the effort that has gone into this project, I hope you will add your support and vote for the pending motion. Thank you, Madame President.

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. I am going to have to say that I would like to add my thanks to the group of stakeholders that came together and worked on this project. I think if I perhaps lived anywhere except Sagadahoc County I might have a different point of view. Sagadahoc County and Lincoln County have been working right along to collaborate on a joint jail. It is a wonderful facility. It is fully staffed. It's running efficiently. I've had a couple of tours. It's a great piece of work. The goal of that was to work together as counties to offer tax relief and efficiency. We are ahead of the curve. I'm going to have to vote against this. I feel bad but I don't. I'm kind of torn here because of the work that has gone into this. I respectfully say that I am going to have to vote against this. Thank you.

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

Senator **NUTTING**: Thank you, Madame President, ladies and gentlemen of the Senate. I'll be very brief because we haven't taken a break for dinner yet. I think we've talked a lot this afternoon about saving money and I think we're going to save money. I want to also mention that I think this proposal, that everybody has worked so hard on, is going to actually also take better care of people. What I am really referring to is the proposal that the board shall develop mental health jails or wards so that we more intensively work with those with mental illness to get them on a treatment plan, hopefully to be able to conditionally release them from jails with the requirement to stay on their treatment plan so that they don't stay in jail and go out and participate in society. I know I'm also amazed by the health insurance money that was, I guess, sitting there. If you look at the amendment, or number three in the summary, this does at least take a step towards funding this proposal by the elimination of some state government positions. That's something that I have worked on for a while now and there is still more to be done here. At least it takes a step in that direction of making state government more efficient and taking some of those savings and putting them towards this proposal to save money in our correctional system and to also take better care of people. Thank you.

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

Senator **SHERMAN**: Thank you, Madame President, ladies and gentlemen of the Senate. The Senator from Androscoggin, Senator Nutting, reminded me of something else I probably should have said. This isn't going to happen by itself. The legislature is at fault for some of this overcrowding. Every year we pass laws that go from D to C and something else to stick people away with long sentences. The judiciary itself is somewhat at fault because of the inefficient way they run themselves. If this is going to work we have to take a deep breath as to what we do here in this Body and the judiciary itself has been made aware of this because there have been studies on it. Some of the sentencing practices, some of the things on alcohol, drugs, and mental illnesses, need to be treated in a different way. That's ammunition for those other two; our Body and the other branch of government. Thank you.

The Chair noted the absence of the Senator from Penobscot, Senator **PLOWMAN** and further excused the same Senator from voting on this matter.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended. 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 (#463)

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

NAYS: Senators: BENOIT, DOW, SCHNEIDER, SHERMAN, SMITH

ABSENT: Senator: TURNER

EXCUSED: Senator: PLOWMAN

28 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-989) AS AMENDED BY SENATE AMENDMENT "A" (S-658)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

Off Record Remarks

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

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

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 4:00 in the afternoon.

After Recess

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act To Expedite the Maintenance and Repair of Maine's Transportation Network" (EMERGENCY)

S.P. 932 L.D. 2324

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and
Senators: President EDMONDS of Cumberland, GOOLEY of
Franklin, MARTIN of Aroostook, MILLS of Somerset, MITCHELL
of Kennebec, RAYE of Washington, SAVAGE of Knox,
SCHNEIDER of Penobscot, Representatives: CANAVAN of
Waterville, Speaker CUMMINGS of Portland, EBERLE of South
Portland, FAIRCLOTH of Bangor, FITTS of Pittsfield, PEOPLES
of Westbrook, PIEH of Bremen, TUTTLE of Sanford.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

Committee on **TRANSPORTATION** suggested and ordered
printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO
BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

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

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

COMMUNICATIONS

The Following Communication: S.C. 804

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 16, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed
before the Joint Standing Committee on Legal and Veterans
Affairs during the Second Regular and First Special Sessions of
the 123rd Legislature has been completed. The breakdown of
bills and papers before our committee follows:

Total Number of Bills and Papers	27
Unanimous Reports	14
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	3
Divided Reports	12
Taken from Committee	
Pursuant to Jt. Rule 309	1
Gubernatorial Nominations	3

Respectfully submitted,

S/Lisa T. Marraché
Senate Chair

S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

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 Allow Direct-to-consumer Wine Sales"
S.P. 781 L.D. 1987
(C "A" S-575)

In Senate, April 11, 2008, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-575).**

Comes from the House, **FAILED PASSAGE TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (S-575), in NON-CONCURRENCE.**

Senator **BROMLEY** of Cumberland moved the Senate **INSIST**.

On further motion by same Senator, **TABLED** until Later in
Today's Session, pending the motion by same Senator to **INSIST**.

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

ORDERS OF THE DAY

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

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)
H.P. 1667 L.D. 2307
(S "D" S-639; S "E" S-651)

Tabled - April 17, 2008, by Senator **RAYE** of Washington

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.

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

(In House, April 8, 2008, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In Senate, April 17, 2008, on motion by Senator **RAYE** of Washington, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator **RAYE** of Washington, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "E" (S-651).

Same Senator moved to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-651).

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

Senator **SCHNEIDER:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you, Madame President. What is going to be presented? Is this going to be something to resolve some language that was in the original amendment? Originally I thought we were putting in language that the good Senator from Washington, Senator Raye, had been promised and it had not been put in the original bill. I'm concerned about what is being replaced here. I would like some clarification.

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

Senator **RAYE:** Thank you, Madame President. I appreciate the question from the good Senator from Penobscot, Senator Schneider. I intend to present, if I can talk about it, an amendment that has been agreed to by all parties, including the other Body, that will replace this.

On motion by Senator **RAYE** of Washington, Senate Amendment "E" (S-651) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "F" (S-659) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. This is the long awaited resolution of the concerns that we've had back and forth regarding the future of OPEGA. The underlying bill restores the funds for the positions. This amendment represents an agreement between both sides with respect to language. As you will recall, the supplemental budget had language that was of grave concern for many of us who were concerned about the independence of OPEGA. The language that you see before you in S-659 is language that I think addresses some of the issues that the majority wanted to have addressed but does it in a way that is acceptable to those of us in the minority and those who serve on the Government Oversight Committee because it preserves the independence and the integrity of the OPEGA process. It simply says that the Director of OPEGA will work with relevant offices and agencies, including OFPR and OPLA, to facilitate the sharing of resources and the coordination of program reviews across state government and that they will recommend to the Government Oversight Committee, which is the nonpartisan committee of oversight for OPEGA, performance standards that will help to maximize the effectiveness of program review. I believe that this resolves all of the remaining concerns with this issue and I hope that you will join with me in accepting this.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I agree. I've looked at this amendment. This issue is very important to me and I know that the budget that passed got held up for about one minute and thirty-one seconds on this particular subject. I've looked at this. I want to compliment the good Senator from Washington, Senator Raye, and many others in this Body and the other for working out this amendment to make OPEGA's mission just a little clearer and restoring the funding for the positions so they can do their job. I urge its adoption.

On motion by Senator **RAYE** of Washington, Senate Amendment "F" (S-659) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "F" (S-651), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Allow Direct-to-consumer Wine Sales"
S.P. 781 L.D. 1987
(C "A" S-575)

Tabled - April 17, 2008, by Senator **BROMLEY** of Cumberland

Pending - motion by same Senator to **INSIST**

(In Senate, April 11, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575).**)

(In House, April 17, 2008, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575), in NON-CONCURRENCE.**)

On motion by Senator **BROMLEY** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

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

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

An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness
S.P. 147 L.D. 446
(C "A" S-594)

Tabled - April 14, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594).**)

(In House, April 14, 2008, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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 "A" (S-594).**

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 "A" (S-594).

On further motion by same Senator, Senate Amendment "A" (S-669) to Committee Amendment "A" (S-594) **READ** and **ADOPTED**.

Committee Amendment "A" (S-594) as Amended by Senate Amendment "A" (S-669) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594) AS AMENDED BY SENATE AMENDMENT "A" (S-669) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

S.P. 209 L.D. 672
(C "B" S-403)

Tabled - February 12, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, January 29, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-403).**)

(In House, February 7, 2008, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-403).**

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" (S-403).

On further motion by same Senator, Senate Amendment "A" (S-671) to Committee Amendment "B" (S-403) **READ** and **ADOPTED**.

Committee Amendment "B" (S-403) as Amended by Senate Amendment "A" (S-671) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-403) AS AMENDED BY SENATE AMENDMENT "A" (S-671) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth

H.P. 1092 L.D. 1567
(C "B" H-652)

Tabled - February 5, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence
(In Senate, January 29, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)**, in concurrence.)

(In House, January 31, 2008, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)**, 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-652).

On further motion by same Senator, Senate Amendment "A" (S-670) to Committee Amendment "B" (H-652) **READ** and **ADOPTED**.

Committee Amendment "B" (H-652) as Amended by Senate Amendment "A" (S-670) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652) AS AMENDED BY SENATE AMENDMENT "A" (S-670) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Laws Governing Stalking
S.P. 681 L.D. 1873
(C "B" S-400)

Tabled - January 29, 2008, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, January 15, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-400)**.)

(In House, January 24, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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" (S-400)**.

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" (S-400).

On further motion by same Senator, Senate Amendment "A" (S-672) to Committee Amendment "B" (S-400) **READ** and **ADOPTED**.

Committee Amendment "B" (S-400) as Amended by Senate Amendment "A" (S-672) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-400) AS AMENDED BY SENATE AMENDMENT "A" (S-672) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act Regarding the Maine Regulatory Fairness Board
H.P. 1371 L.D. 1937
(C "A" H-933)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-933)**, in concurrence.)

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

On further motion by same Senator, 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 "A" (H-933)**, 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 "A" (H-933).

On further motion by same Senator, Senate Amendment "A" (S-673) to Committee Amendment "A" (H-933) **READ** and **ADOPTED**.

Committee Amendment "A" (H-933) as Amended by Senate Amendment "A" (S-673) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-933) AS AMENDED BY SENATE AMENDMENT "A" (S-673) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Enhance Economic Development in Maine's Aviation Industry

S.P. 770 L.D. 1976
(C "A" S-485)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.)

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

On further motion by same Senator, 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 "A" (S-485)**.

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 "A" (S-485).

On further motion by same Senator, Senate Amendment "A" (S-674) to Committee Amendment "A" (S-485) **READ** and **ADOPTED**.

Committee Amendment "A" (S-485) as Amended by Senate Amendment "A" (S-674) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY SENATE AMENDMENT "A" (S-674) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Emergency

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

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 "A" (S-542)**.)

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

On further motion by same Senator, 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 "A" (S-542)**.

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 "A" (S-542).

On further motion by same Senator, Senate Amendment "A" (S-675) to Committee Amendment "A" (S-542) **READ** and **ADOPTED**.

Committee Amendment "A" (S-542) as Amended by Senate Amendment "A" (S-675) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-542) AS AMENDED BY SENATE AMENDMENT "A" (S-675) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

H.P. 1405 L.D. 2021
(C "A" H-731)

Tabled - March 20, 2008, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, March 17, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731)**, in concurrence.)

(In House, March 19, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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 "A" (H-731)**, 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 "A" (H-731).

On further motion by same Senator, Senate Amendment "A" (S-676) to Committee Amendment "A" (H-731) **READ** and **ADOPTED**.

Committee Amendment "A" (H-731) as Amended by Senate Amendment "A" (S-676) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731) AS AMENDED BY SENATE AMENDMENT "A" (S-676) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error
H.P. 1410 L.D. 2026
(C "A" H-702)

Tabled - March 14, 2008, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 10, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702)**, in concurrence.)

(In House, March 13, 2008, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702)**, 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 "A" (H-702).

On further motion by same Senator, Senate Amendment "A" (S-677) to Committee Amendment "A" (H-702) **READ** and **ADOPTED**.

Committee Amendment "A" (H-702) as Amended by Senate Amendment "A" (S-677) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702) AS AMENDED BY SENATE AMENDMENT "A" (S-677) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Resolve

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

H.P. 1423 L.D. 2039
(C "A" H-723)

Tabled - March 25, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 19, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723)**, in concurrence.)

(In House, March 20, 2008, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723)**, 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 "A" (H-723).

On further motion by same Senator, Senate Amendment "A" (S-678) to Committee Amendment "A" (H-723) **READ** and **ADOPTED**.

Committee Amendment "A" (H-723) as Amended by Senate Amendment "A" (S-678) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723) AS AMENDED BY SENATE AMENDMENT "A" (S-678) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Resolve

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online

H.P. 1474 L.D. 2088
(C "A" H-688)

Tabled - March 13, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 5, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)**, in concurrence.)

(In House, March 10, 2008, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)**, 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 "A" (H-688).

On further motion by same Senator, Senate Amendment "A" (S-668) to Committee Amendment "A" (H-688) **READ** and **ADOPTED**.

Committee Amendment "A" (H-688) as Amended by Senate Amendment "A" (S-668) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688) AS AMENDED BY SENATE AMENDMENT "A" (S-668) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax

H.P. 1483 L.D. 2097
(C "A" H-754)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754)**, in concurrence.)

(In House, March 31, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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 "A" (H-754)**, 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 "A" (H-754).

On further motion by same Senator, Senate Amendment "A" (S-667) to Committee Amendment "A" (H-754) **READ** and **ADOPTED**.

Committee Amendment "A" (H-754) as Amended by Senate Amendment "A" (S-667) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754) AS AMENDED BY SENATE AMENDMENT "A" (S-667) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Bond Issue

An Act to Authorize a General Fund Bond Issue for Drinking Water Management

S.P. 830 L.D. 2169
(C "A" S-449)

Tabled - March 25, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 14, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449)**.)

(In House, March 20, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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 "A" (S-449)**.

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 "A" (S-449).

On further motion by same Senator, Senate Amendment "A" (S-666) to Committee Amendment "A" (S-449) **READ** and **ADOPTED**.

Committee Amendment "A" (S-449) as Amended by Senate Amendment "A" (S-666) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) AS AMENDED BY SENATE AMENDMENT "A" (S-666) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

An Act To Amend the Animal Welfare Laws

H.P. 1545 L.D. 2171
(H "A" H-982 to C "A" H-965)

Tabled - April 11, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "A" (H-982)** thereto, in concurrence.)

(In House, April 11, 2008, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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 "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "A" (H-982)** thereto, 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 "A" (H-965).

On further motion by same Senator, Senate Amendment "B" (S-665) to Committee Amendment "A" (H-965) **READ** and **ADOPTED**.

Committee Amendment "A" (H-965) as Amended by House Amendment "A" (H-982) and Senate Amendment "B" (S-665) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to be urging you to adopt this bill for engrossment here in just a second. I feel as though I need to apologize to all the members of this Body for the literally hundreds and hundreds of e-mails that people have received on this issue. Very misleading e-mails. I just wanted to put on the record, as briefly as I can, that up until this particular L.D. there were no statutes at all concerning large farm animal humane practices in regards to the humane treatment of animals. This bill adds a section that puts in a standard that farmers must meet in order to meet humane treatment of animals in Maine. This puts in the standard that you must meet best management practices. Some people asked what that was. This is the notebook, literally, that the Department of Agriculture uses. For housing and the health of various farm animals, their best management practices are based on ten international, the United States and Canada, studies at various universities. These studies relate to the housing, temperature, bedding, feed, foot care, and everything really to do with farm animals, be it the study concerning sheep done at the University of Missouri or the care of farm animals done at the University of Michigan. Another one is the environmental designs for more profitable cows that was done at the University of Alberta. There are also studies on horse facilities done at Iowa State. These officially accredited university studies are the basis of the best management practices. I know your e-mails have said that this bill doesn't put in a standard, and I've even seen some e-mails that say this bill allows the legal torture of farm animals. As a farmer myself I can tell you that on my farm, or any other dairy farm in Maine, you are not going to make a profit on your farm if you are abusing your animals. Representative Marean isn't going to make a profit with his racehorses if they are not taken care of properly and I'm sure the Senator from Aroostook, Senator Sherman, is not going to make a profit with his beef animals if they are not cared for properly. We're adding a standard. I apologize for the hundreds of e-mails that incorrectly stated there were no standards at all. I just wanted to set the record straight and hope you will support this unanimous committee report. Thank you.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "A" (H-982) AND SENATE AMENDMENT "B" (S-665) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

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)

Tabled - April 11, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-962)**, in concurrence.)

(In House, April 11, 2008, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-962)**, 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-962).

On further motion by same Senator, Senate Amendment "A" (S-664) to Committee Amendment "B" (H-962) **READ** and **ADOPTED.**

Committee Amendment "B" (H-962) as Amended by Senate Amendment "A" (S-664) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-962) AS AMENDED BY SENATE AMENDMENT "A" (S-664) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Extend the ConnectME Authority
H.P. 1607 L.D. 2246

Tabled - March 14, 2008, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, March 10, 2008, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 13, 2008, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-663) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-663), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Facilitate the Provision of Educational Loans for Maine Students and Families

S.P. 918 L.D. 2300
(C "A" S-584)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 9, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584).**)

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

On further motion by same Senator, 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 "A" (S-584).**

On further motion by same Senator, Senate Amendment "A" (S-662) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584) AND SENATE AMENDMENT "A" (S-662), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

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

Tabled - April 11, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-960)**, in concurrence.)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, Senate Amendment "A" (S-661) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-960) AND SENATE AMENDMENT "A" (S-661), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities

S.P. 923 L.D. 2312

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 8, 2008, **PASSED TO BE ENGROSSED.**)

(In House, April 10, 2008, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-660) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-660), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Improve the Method of Taxing Natural Gas for Highway Use

H.P. 409 L.D. 531
(C "A" H-653)

Tabled - February 5, 2008, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, January 29, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**, in concurrence.)

(In House, January 31, 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.

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act Regarding Axle Weight on Tri-axle Farm Trucks
S.P. 754 L.D. 1960
(C "A" S-409)

Tabled - February 26, 2008, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 7, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409)**.)

(In House, February 25, 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.

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency

An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

H.P. 1662 L.D. 2304
(H "B" H-994; S "A" S-645)

Tabled - April 17, 2008, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 16, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-994) AND SENATE AMENDMENT "A" (S-645)**.)

(In House, April 17, 2008, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/16/08) Assigned matter:

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 1531 L.D. 2151
(C "A" H-854; S "A" S-537;
S "B" S-557)

Tabled - April 16, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **PERRY** of Penobscot to **RECEDE** from **ADOPTION** of Senate Amendment "A" (S-537) and **INDEFINITELY POSTPONE** same

(In House, April 2, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)**.)

(In Senate, April 7, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "A" (S-537) AND "B" (S-557)**, in **NON-CONCURRENCE**.)

(In House, April 9, 2008, that Body **INSISTED**.)

(In Senate, April 16, 2008, **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "A" (S-537) AND "B" (S-557)**, in **NON-CONCURRENCE**.)

On motion by Senator **PERRY** of Penobscot, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "A" (S-537)** and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "D" (S-653) **READ**.

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

Senator **PERRY:** Thank you, Madame President. This bill has been hanging around for quite some time with a number of proposed amendments. I just want to tell you a little bit about it. This is one of the bills from the department. There were two sticking points in this bill, one had to do with audit procedures and one had to do with the estate tax and the authority that Maine Revenue had to audit some estates. We ran into some disagreement on the committee and the committee, as a whole, decided to remove the auditing issue but we split on two different reports on the estate tax auditing issue. The other Body passed the Majority version. The Senator from York, Senator Nass, passed the amendment we just pulled off, which basically stripped out Maine Revenue's authority completely. We tried to give them some authority back so they can audit these estates taxes. We haven't come to complete agreement on where it should be. I do, however, feel that we do need to give Maine Revenue this authority. If this authority goes too far and we want to we can take it up next year with a freestanding bill. Some of the concerns we face, after we give them authority and we try to roll it back, is that it will come with a fiscal note and we probably won't be able to do it. If we do nothing I would suspect that this issue will show up in a budget and we won't be able to take it out because of the same fiscal reasons, and what they put in the budget, in my opinion, will probably go further than the compromise than we have in this amendment. That's why I'm putting this forward today and would ask that you vote to pass it. Thank you.

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

Senator **NASS:** Thank you, Madame President; ladies and gentlemen of the Senate. Again, just as a quick reminder. Every time we talk about estate tax people get uptight. This is not about conformity. This is about an effort that Maine Revenue Services provided in an omnibus bill to enhance their ability to enforce the estate tax that we now have. It's not about conformity at all. It's about enforcement. I think two things come to mind. One, we need to pass this bill. It's got a lot of stuff in it. We did agree on one subtraction; that was what the Senate Chair talked about. We've shown our ability to collectively take pieces out of it that need to be taken out. It's my suggestion that this piece needs to be taken out too. We have tried, from the beginning and over the past couple of weeks, to reach agreement on this. This is a piece we should be able to reach agreement on. I hate to say this but there is a degree of arrogance down at Maine Revenue Service that's exhibited here. This should be fixed. It is fixable. We've offered options in the beginning. We said to them, 'Look, if your problem is real property and you think real property is missing from an estate tax form or filing then we think we should be able to go back and get it.' We offered to extend the statute of limitations for a reasonable period of time. They rejected both of those suggestions in the committee process, so we split on that. In the past week or so we've been negotiating the same things every day, on and on. It's like the kids toy. The balloon. You pop it in the face and it falls over and it comes back up right at you with the same smile. We agree, yes we'll change it. The words come out and they say the same thing. Nothing has changed. I don't know how else to describe it except arrogance. Here's my

concern, we have an obligation, collectively here, to fairly collect taxes. If people are leaving property off an estate tax form the current statute allows the department to go after that. If somebody leaves the oceanfront estate off, or the camp, the statute allows them, even after the feds are done, to corral that property and collect the tax on it. I also think we have an obligation to allow our citizens closure on these things. If they've had a death in the family, they have a personal representative in charge, and the rest of the family waiting for their share behind them. Someplace here there has got to be closure. That should not be three years down the pike. If the feds have given this estate tax filing a letter of closure, which has always been the standard before, and there are problems, we are willing, and have been willing, to allow the department a short period of time to do something else and to go after what they think is wrong. I think that there has got to be closure here and we can't get them to agree to a reasonable period of time. The wording involved talks about the three year statute of limitations, it talks about the closure letter, and a 90 day period after that, which we thought was reasonable. The department insists on taking whichever is later, which makes this just a waste of time. As we have once before in this Chamber, I would ask you to vote against this proposal. I think that since the department and all of us need to have this bill passed we need to fix this. We can fix it. The problem was outlined by the Senate Chair. If we pass this with this estate tax piece in it for us to fix it later, after we collectively agree on what the problem is, it is going to cost us a lot of money. Revenue Services is going to put a big fiscal note on it and we are going to be stuck with it. Our people, those few who have to file an estate tax form, are not going to be able to get closure in a reasonable amount of time. I think that is what we are asking for. I would ask that you vote against the current amendment and we try again to pass this thing.

Same Senator requested a Division.

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

Senator **HASTINGS:** Thank you, Madame President and ladies and gentlemen of the Senate. First I want to thank you all for keeping your groans to yourselves as we talk about this exciting thing. I spoke on this before and I want to add to the comments of the Senator from York, Senator Nass. This is important to your constituents. It's not about collecting taxes. It's not about reducing taxes for anybody. What will happen to your constituent, those who get caught in this thing? They will now have to wait three years and nine months before they know if the State of Maine has accepted their valuations for estate tax purposes the way this law is written. It's three years and nine months after death. The personal representative, and one of you may be unlucky enough to get that job one of these days, is going to be on the hook if you pay out on that estate before these three years and nine months passes. The federal closure date is much sooner. You file a return in nine months and the closure letter comes three to six months later. You would have to wait two more years for the state. That is problem number one. Problem number two is that you are putting your constituents into a place where they are getting whipsawed by two governments about how much their property is worth. The federal government says it's this much. The State of Maine says it worth that much. Somehow or another, as the Senator from York, Senator Nass,

says, there has got to be some closure here. Up until now the tax law has agreed that we will rely on the federal determination for value. They have been the ones that have been more aggressively going after estate taxes. The State does not even have the system set up to aggressively pursue these valuations. Some of your unlucky constituents are now going to have to hold onto a pile of money for three years and nine months and they may be faced with a battle between the State and the federal government about how much the property is worth. We can't fix it later for the reasons that the Senator from York, Senator Nass, said. There will be a big fiscal note on this next year. This is not about protecting anybody from paying the tax. This is about common sense. Why do you make people wait three years and nine months to settle an estate? It's just beyond belief to me that we would do this to any of our constituents. I've heard that the department says this will only effect a few estates, a few big ones. From their point of view it probably does. They don't post a list of those estates that they are concerned with, so everybody has got to assume they are on the list. It's just beyond belief that this would be included in what is essentially an omnibus and errors bill for the tax department. A minor bill. If we don't put this off we won't be able to fix this in the ensuing years and for that reason I thank you for sitting through this. Thank you, Madame President.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. It dawned on me that I told you a lot about how we got to this amendment but I didn't tell you much about it. I wanted to tell you just a little bit about what was in the bill and the change. What was in the bill that we originally voted on actually could have kept an estate potentially open for as much as four years and nine months. It's less than three years and nine months now. There were two parts to this. One said, and this is the case with any tax filing whether it be your income taxes or whatever, there is a three year window to audit from the time you file or from when the due date is. After a death the State tax return is due nine months later. The original bill said they had three years from the time of filing or the due date, whichever was later. It was certainly three years and nine months. This amendment changes that to three years from the time of filing, regardless. It's three years from the time of filing. Then the original bill said after the closing letter, whenever that was, they had another year. This shortens it to 90 days. This is the authority that Maine Revenue had been operating under all along until a lawyer in the department said he was not sure it was clear they had the authority to look at the estates after there was a federal closing letter. That's why they put it in this bill, because they wanted to be clear that they had this authority. They were in the middle of a very large estate from someone from out-of-state who had a lot of assets here in the state of Maine. They went to the Attorney General and asked if they had the authority to do that. The Attorney General said they didn't think they did. They wrote off a \$3 million tax bill that they felt was clearly due to the State and clearly there was an attempt to avoid paying it here. Because of this federal closing letter they didn't think they had the authority. It really doesn't change much. If there isn't any federal closing letter, if the feds take their time, Maine has the time. It's only if the feds issue a closing letter, then they can go back on it at the federal level if they want but the State can't. It shuts the door. They just want the same statute of limitations they have on

all other filings and that they would have if it weren't for the federal closing letter. I really feel like there may be a better solution that we could have come up with. I do agree, if we try to shorten it we're going to get a fiscal note, but I firmly believe we're going to get back to the four years and nine months some other way and we're also not going to have much of a say on that if we don't pass this today. That's the history. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. Just a couple of additional points. I agree with much of what has been said on the floor by the good Senator from Oxford, Senator Hastings, and the Senator from York, Senator Nass, this afternoon. Maine has had a policy of trying to simplify and shorten its probate estate procedures for some twenty-odd years. I think what we are seeing here is an additional policy that sort of flies in the face of that. Most of our estates these days are done under informal probate and for those that have real estate in them, and I can't imagine that this would be much of an issue for most estates unless it had real estate in it, the State has asked that 703s are filed, it's a State tax return, and discharges are obtained from the State. For the most part that should be the end of it, I would think. In the event that real estate is left off, it's going to get caught anyways going forward in a title search and before title passes that issue would have to be resolved. It is a little troublesome, I think, to see State policies now begin to go in conflict with each other, particularly those pieces of those estates that have already obtained a discharge of estate tax lien from the State tax assessor to see this policy come to fruition where an estate that has been closed and a discharge obtained, that even a year later, under the informal closing, a complete discharge of a PR occurs and then maybe as late as two years after that the State could come forward and seek some sort of action against the estate that has been closed and the PR discharged. I think at that point it defaults pretty much to the property tax owner, where any kind of remedy is going to be obtained which you can get anyways at the time of the real estate closing. I'm not sure that this adds much to it except some confusion and a lot of consternation for those who are acting as PRs. We do have institutional PRs that I would think would be concerned with this and would wonder whether it would be a good business practice to act as PR. We have individuals who are sometimes, and quite often, willing to come forward to act as PR but to get into a tangle of this sort over an extended period of time could very well discourage many from accepting this responsibility. Thank you.

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

Senator **NASS:** Thank you, Madame President. Just a couple of other items. One, having been on the Tax Committee for two sessions now I have had some experience. It's always disturbing when you realize how aggressive our tax collectors are but then you have to realize that they are a product of what we create. It is not my purpose here to blame them. They are essentially reflecting what we want them to do. There is, however, in the recent past an effort that, to me, shows how when things go wrong how bad it can get. That involved Maine Maritime graduates and residency issues. They chased some of these

poor folks all over the countryside. It ended up in a bunch of lawsuits and it was about residency. We clarified that but it took us four or five years to sort that out. This has the same flavor and I just think we need to ask them to back off. The activity should happen next year with whoever is in the Tax Committee. Let them come forward and if they want to do it in the budget that's an interesting threat. It should come forward in a separate bill when the Tax Committee has the time to look at this and figure out what's right. This is not the way to do it.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ADOPT** Senate Amendment "D" (S-653). (Roll Call Ordered)

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until 7:00 in the evening.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Resolve

Resolve, To Stabilize the Bureau of Warden Service and the Division of Fisheries and Hatcheries

H.P. 1668 L.D. 2308
(C "A" H-1031)

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

Act

An Act To Enhance the Security of State Credentials

H.P. 1669 L.D. 2309
(H "B" H-1026 to
C "A" H-1020)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#464)

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

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

ABSENT: Senator: BRYANT

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Resolve

Resolve, To Study the Feasibility of Locating a Border Crossing in the St. David Area

H.P. 394 L.D. 511
(S "A" S-655 to C "B" H-643)

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

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

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 Expedite the Maintenance and Repair of Maine's Transportation Network" (EMERGENCY)

S.P. 932 L.D. 2324

Committee on **TRANSPORTATION** suggested and ordered printed.

In Senate, April 17, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1040)**, without reference to a Committee, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 805

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

April 17, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	43
Unanimous Reports	37
Ought to Pass	4
Ought to Pass as Amended	19
Ought Not to Pass	14
Divided Reports	3
Taken from Committee	
Pursuant to Jt. Rule 309	2
Committee Bills & Papers	1
Pursuant to Joint Order	1
Gubernatorial Nominations	6

Respectfully submitted,

S/Barry J. Hobbins
Senate Chair

S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

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 Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)

S.P. 931 L.D. 2323

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

In Senate, April 16, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "G" (H-1041)**, without reference to a Committee, in **NON-CONCURRENCE**.

Senator **BOWMAN** of York moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **RAYE** of Washington, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED**, without reference to a Committee.

On further motion by same Senator, Senate Amendment "A" (S-682) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. This amendment that I am offering replicates the amendment that this Body overwhelmingly approved to L.D. 1932. It is the product of the unanimous report of the Committee of Conference to that bill. It would allow the ability of a municipality to withdraw from a school administrative district, regional school unit. Unfortunately, with the bill before us our municipalities across the state will be denied the opportunity to withdraw from a district and I think that this is going to leave a lot of towns trapped in districts where they may not want to go. We've made the decision on this once but we felt that this amendment was the way to go. It also would allow the alternative of school unions, which we have debated in the past. It includes the so-called Gooley-Carter language that provides for an exception for those areas where you have less than 50 residents per square mile. I hope that the Senate will maintain the support that we expressed earlier for these items as we move forward with this issue. Thank you.

Senator **BOWMAN** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-682).

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 Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I certainly won't debate this for very long because we know this bill probably better than we know our own families at this point. I'm going to support the motion to Indefinitely Postpone. It's no secret to anybody in this Chamber that I'm a big fan of unions. I'm also a big fan of getting something done. We did support this before. We've been very unsuccessful with it. It is time now to move to something that can work. I don't know if you've had a chance to read the bill that is on your desk that we dealt with yesterday, but it allows for an application for an alternative government structure which looks a bit like a union but is not a union. It is an opportunity for towns who wish to maintain their municipality status to have interlocal agreements. I hope you will join us in Indefinitely Postponing this amendment and moving on to something that makes this process work. We really need to go home having accomplished the things that many of the districts in this state are actually trying to accomplish but the tools that they need are in the major portion of this bill.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Bowman to Indefinitely Postpone Senate Amendment "A" (S-682). 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 (#465)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-682), **PREVAILED**.

Senator **BOWMAN** of York moved the Senate **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#466)

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

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, WESTON

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **CONCUR**, **PREVAILED**.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Friday, April 18, 2008, at 10:00 in the morning.