

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

In Senate Chamber
Monday
May 23, 2005

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351); SENATE AMENDMENT "A" (S-190) AND HOUSE AMENDMENT "A" (H-436)**, in **NON-CONCURRENCE**.

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

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

Prayer by Reverend Alice Anderman of the First Congregational Church, UCC of Waterville.

REVEREND ANDERMAN: Let us pray. Most holy God, we come from the north, from fertile farmland and border communities. We come from the south, from historic communities and growing towns. We come from the east, from rocky coasts, sandy beaches, and fishing communities. We come from the west, from mountains and lakesides. We come here today from different places, representing the people of our state, to do the work that will make a difference in the lives of our citizens. Help us today, as we address the business on hand, to listen to the concerns that are before us and decide what is best for the common good. Make us instruments of compassion, understanding, and justice in what we say and do. We give You thanks, oh God, for our State of Maine, for its people and for all who serve the state in elected, appointed, and volunteer positions. We give You thanks for the opportunities this day holds for us and for future challenges, hopes, and visions. Amen.

Pledge of Allegiance led by Senator Dean F. Clukey of Aroostook County.

Reading of the Journal of Friday, May 20, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

H.P. 1013 L.D. 1449
(C "A" (H-351); S "A" (S-190))

In Senate, May 18, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351) AND SENATE AMENDMENT "A" (S-190)**, in **NON-CONCURRENCE**.

COMMUNICATIONS

The Following Communication: S.C. 332

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Merle R. Nelson of Falmouth, for reappointment to the Maine Community College System, Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 0

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Merle R. Nelson of Falmouth, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

May 19, 2005

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Charles J. O'Leary of Orono, for appointment to the University of Maine System, Board of Trustees.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS	Senators	2	Mitchell of Kennebec, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		1	Sen. Schneider of Penobscot

ROLL CALL (#150)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Merle R. Nelson** of Falmouth, for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles J. O'Leary of Orono, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 333

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#151)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles J. O'Leary** of Orono, for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 334

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Susan Blethen of Falmouth, for appointment to the Governor Baxter School for the Deaf, School Board.

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

YEAS Senators 2 Mitchell of Kennebec, Turner of Cumberland

Representatives 10 Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 1 Sen. Schneider of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Susan Blethen of Falmouth, for appointment to the Governor Baxter School for the Deaf, School Board be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#152)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING,
PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Susan Blethen** of Falmouth, for appointment to the Governor Baxter School for the Deaf, School Board was **CONFIRMED**. The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 335

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Terri L. Thompson of Gorham, for appointment to the Governor Baxter School for the Deaf, School Board.

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

YEAS	Senators	2	Mitchell of Kennebec, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		1	Sen. Schneider of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Terri L. Thompson of Gorham, for appointment to the Governor Baxter School for the Deaf, School Board be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#153)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Terri L. Thompson** of Gorham, for appointment to the Governor Baxter School for the Deaf, School Board was **CONFIRMED**.

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

The Following Communication: S.C. 336

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of William J. Horn of Lewiston, for appointment to the Governor Baxter School for the Deaf, School Board.

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

YEAS	Senators	2	Mitchell of Kennebec, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		1	Sen. Schneider of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William J. Horn of Lewiston, for appointment to the Governor Baxter School for the Deaf, School Board be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#154)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **William J. Horn** of Lewiston, for appointment to the Governor Baxter School for the Deaf, School Board was **CONFIRMED**.

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

The Following Communication: S.C. 337

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Diane St. Lawrence of New Portland, for reappointment to the Governor Baxter School for the Deaf, School Board.

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

YEAS	Senators	2	Mitchell of Kennebec, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 1 Sen. Schneider of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Diane St. Lawrence of New Portland, for reappointment to the Governor Baxter School for the Deaf, School Board be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#155)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Diane St. Lawrence** of New Portland, for reappointment to the Governor Baxter School for the Deaf, School Board was **CONFIRMED**.

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

The Following Communication: S.C. 338

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Andrea L. Watkins of Windsor, for appointment to the Maine Community College System, Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		0	

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Andrea L. Watkins of Windsor, for appointment to the Maine Community College System, Board of Trustees be confirmed.

May 19, 2005

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

S/Rep. Jacqueline R. Norton
House Chair

Dear Madame President:

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Cynthia Phinney of New Sharon, for reappointment to the Maine Community College System, Board of Trustees.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	10	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Merrill of Appleton, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		0	

ROLL CALL (#156)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN,
BROMLEY, BRYANT, CLUKEY, COURTNEY,
DAMON, DAVIS, DIAMOND, DOW, GAGNON,
HASTINGS, HOBBS, MARTIN, MAYO,
MITCHELL, NASS, PLOWMAN, RAYE, ROSEN,
SAVAGE, SCHNEIDER, SNOWE-MELLO,
STRIMLING, SULLIVAN, TURNER, WESTON,
WOODCOCK, THE PRESIDENT - BETH G.
EDMONDS

ABSENT: Senators: COWGER, MILLS, NUTTING,
PERRY, ROTUNDO

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Andrea L. Watkins** of Windsor, for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Cynthia Phinney of New Sharon, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

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

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 339

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#157)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: COWGER, NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cynthia Phinney** of New Sharon, for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 340

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Dr. William F. Bergen of Presque Isle, for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	9	Cain of Orono, Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		1	Rep. Merrill of Appleton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. William F. Bergen of Presque Isle, for reappointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#158)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

Lansley of Sabattus, Makas of Lewiston, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 1 Rep. Merrill of Appleton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Nancy J. Violette of Lisbon, for reappointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#159)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Nancy J. Violette** of Lisbon, for reappointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

ABSENT: Senators: NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. William F. Bergen** of Presque Isle, for reappointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 341

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Nancy J. Violette of Lisbon, for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	9	Cain of Orono, Davis of Falmouth, Edgcomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth,

The Following Communication: S.C. 342

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Margaret D. Copelin of Benton, for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

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

YEAS	Senators	2	Mitchell of Kennebec, Turner of Cumberland
	Representatives	9	Cain of Orono, Davis of Falmouth, Edgcomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Norton of Bangor, Stedman of Hartland
NAYS		0	
ABSENT		2	Rep. Merrill of Appleton, Sen. Schneider of Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Margaret D. Copelin of Benton, for reappointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#160)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Margaret D. Copelin** of Benton, for reappointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 343

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Samuel C. Goldman of Brooksville, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

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

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	9	Cain of Orono, Davis of Falmouth, Edgcomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Lansley of Sabattus, Makas of Lewiston, Norton of Bangor, Stedman of Hartland

NAYS 0

ABSENT 1 Rep. Merrill of Appleton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Samuel C. Goldman of Brooksville, for appointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#161)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: NUTTING, PERRY, ROTUNDO

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Samuel C. Goldman** of Brooksville, for appointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

The Following Communication: H.C. 252

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

May 20, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
122nd Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More (H.P. 52)(L.D. 56)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Improve Dirigo Health"

S.P. 625 L.D. 1680

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative GLYNN of South Portland and Representative: PERRY of Calais.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator SULLIVAN of York, REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Support Sibling Rights in Child Welfare Custody Matters"

S.P. 627 L.D. 1682

Sponsored by Senator ANDREWS of York. (GOVERNOR'S BILL)
Cosponsored by Senator: BRENNAN of Cumberland, Representative: BURNS of Berwick.

On motion by Senator HOBBS of York, REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LABOR** on Bill "An Act To Increase Retired Teachers' Health Insurance Benefits"

H.P. 535 L.D. 758

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-410)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410)**.

Report **READ**.

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

The Committee on **TAXATION** on Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset (EMERGENCY)

H.P. 1120 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-441)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441)**.

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

READ ONCE.

Committee Amendment "A" (H-441) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals" (EMERGENCY)

H.P. 1121 L.D. 1585

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-440)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440)**.

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

READ ONCE.

Committee Amendment "A" (H-440) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Ensure That Sears Island Will Be Used for Industrial and Commercial Purposes"

H.P. 202 L.D. 277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-439)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439)**.

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

READ ONCE.

Committee Amendment "A" (H-439) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Regulating the Practice of Optometry"
H.P. 591 L.D. 832

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

Signed:

Senators:
BROMLEY of Cumberland
HOBBINS of York

Representatives:
SMITH of Monmouth
O'BRIEN of Lewiston
AUSTIN of Gray
ROBINSON of Raymond
FARRINGTON of Gorham
BEAUDETTE of Biddeford
JACOBSEN of Waterboro

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

Signed:

Senator:
DOW of Lincoln

Representatives:
RECTOR of Thomaston
BERUBE of Lisbon
CROSBY of Topsham

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

Reports **READ.**

On motion by Senator **BROMLEY** of Cumberland, the Majority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require the Department of Health and Human Services To Analyze Costs before the Legislature Imposes Mandates"

H.P. 84 L.D. 108

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

Signed:

Senators:
MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:
PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-424).**

Signed:

Senator:
ROSEN of Hancock

Representatives:
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ.**

Senator **MAYO** of Sagadahoc moved the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Remove the Sunset on Part-time Unemployment Insurance Benefits"

H.P. 233 L.D. 309

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-33).**

Signed:

Senators:
STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:
SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Senator:
SNOWE-MELLO of Androscoggin

Representatives:
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

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-33)** and **HOUSE AMENDMENT "C" (H-402).**

Reports **READ.**

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Conform Maine Law to Federal Overtime Standards"
H.P. 320 L.D. 435

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

Signed:

Senators:
STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:
SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Senator:
SNOWE-MELLO of Androscoggin

Representatives:
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

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

Reports **READ.**

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Require Proof of Equipment Ownership for Employers Using Foreign Laborers"

H.P. 525 L.D. 730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-372).**

Signed:

Senators:
STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

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-372)**.

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-438)**.

Signed:

Senator:

ANDREWS of York

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

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor
H.P. 940 L.D. 1357

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-334)**.

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
MUSE of Fryeburg

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the State Planning Office"

H.P. 864 L.D. 1246

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth

Representatives:

BARSTOW of Gorham
HARLOW of Portland
BLANCHARD of Old Town
SCHATZ of Blue Hill

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

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management"

H.P. 902 L.D. 1305

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Signed:

Senators:

PERRY of Penobscot
COURTNEY of York
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath
McCORMICK of West Gardiner

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

Signed:

Representatives:

WOODBURY of Yarmouth
HUTTON of Bowdoinham

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-403)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Provide Property Tax Relief by Requiring the State To Maintain and Repair All Bridges in Maine"

H.P. 1164 L.D. 1650

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
FISHER of Brewer
SAMPSON of Auburn
HOGAN of Old Orchard Beach
MAZUREK of Rockland
McKENNEY of Cumberland
BROWNE of Vassalboro
PARADIS of Frenchville
COLLINS of Wells

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

Signed:

Representative:

THOMAS of Ripley

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

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Directing the Secretary of State To Design a Process for Early Voting
S.P. 401 L.D. 1173

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-225)**.

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

READ ONCE.

Committee Amendment "A" (S-225) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Assist Towns with the Implementation of the Laws Governing Growth Management"
S.P. 551 L.D. 1574

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-221)**.

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

READ ONCE.

Committee Amendment "A" (S-221) **READ** and **ADOPTED**.
ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial (EMERGENCY)
S.P. 516 L.D. 1498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-222)**.

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

READ ONCE.

Committee Amendment "A" (S-222) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices"
S.P. 247 L.D. 749

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-223)**.

Signed:

Senators:
GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:
FISHER of Brewer
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-224)**.

Signed:

Senator:
PLOWMAN of Penobscot

Representative:
OTT of York

(Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-223)** Report.)

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223)** Report.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prevent Campaigning at Polling Places"
S.P. 572 L.D. 1598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

Signed:

Senators:

GAGNON of Kennebec
PLOWMAN of Penobscot

Representatives:

FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

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

Signed:

Senator:

MITCHELL of Kennebec

Representatives:

PATRICK of Rumford
TUTTLE of Sanford

Reports **READ.**

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

S.P. 218 L.D. 682

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

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook

Representatives:

KOFFMAN of Bar Harbor
THOMPSON of China
EBERLE of South Portland
DUCHESNE of Hudson

TWOMEY of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-220).**

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
ANNIS of Dover-Foxcroft
DAIGLE of Arundel
SAVIELLO of Wilton
ROSEN of Bucksport

Reports **READ.**

Senator **COWGER** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure Environmental Justice"

S.P. 435 L.D. 1255

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

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor
JOY of Crystal
THOMPSON of China
ANNIS of Dover-Foxcroft
EBERLE of South Portland
DAIGLE of Arundel
SAVIELLO of Wilton
DUCHESNE of Hudson
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-219).**

Signed:

Representative:
TWOMEY of Biddeford

Reports **READ**.

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

Sent down for concurrence.

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

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of Chapter
101: MaineCare Benefits Manual, Chapter III, Section 97 -
Private Non-Medical Institution Services, a Major Substantive
Rule of the Department of Health and Human Services
(EMERGENCY)
H.P. 1143 L.D. 1620

Resolve, Regarding Legislative Review of Chapter 270: Uniform
Reporting System for Quality Data Sets, a Major Substantive Rule
of the Maine Health Data Organization (EMERGENCY)
H.P. 1144 L.D. 1621

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

House As Amended

Bill "An Act To Relieve Small Payroll Companies from Excessive
Regulation" (EMERGENCY)

H.P. 466 L.D. 633
(C "A" H-417)

Bill "An Act To Require Notice of Clinical Trials"

H.P. 505 L.D. 710
(C "A" H-381)

Bill "An Act To Prohibit the Sale and Use of Vaporized Alcohol
and Alcohol Vaporizing Devices"

H.P. 798 L.D. 1155
(C "A" H-413)

Bill "An Act To Protect Public Health by Clarifying the Laws
Regarding Smoking in Public Places"

H.P. 799 L.D. 1156
(C "A" H-421)

Bill "An Act To Allow the Use of All Muzzle-loading Firearms
during Muzzle-loading Deer Season"

H.P. 884 L.D. 1287
(C "A" H-433)

Bill "An Act To Amend the Maine Health Data Organization
Statutes and To Extend the Operation of the Maine Health Data
Processing Center"

H.P. 942 L.D. 1359
(C "A" H-422)

Bill "An Act To Enhance Workplace Safety and Health through
Substance Abuse Testing and Treatment"

H.P. 944 L.D. 1361
(C "A" H-428)

Bill "An Act To Amend Dental Hygienist Licensing Requirements"

H.P. 962 L.D. 1385
(C "A" H-418)

Resolve, Regarding Legislative Review of Portions of Chapter
301: Standard Offer Service, a Major Substantive Rule of the
Public Utilities Commission (EMERGENCY)

H.P. 969 L.D. 1392
(C "A" H-420)

Bill "An Act To Subject Prepaid Wireless Telephone Service to E-
9-1-1 Funding Requirements"

H.P. 982 L.D. 1418
(C "A" H-419)

Bill "An Act To Protect the Integrity of Maine State Housing
Authority Funds"

H.P. 1009 L.D. 1445
(C "A" H-429)

Bill "An Act To Give Retirement Credits to Judges Who Have
Served in the Legislature"

H.P. 1033 L.D. 1470
(C "A" H-427)

Bill "An Act To Permit the Department of Health and Human
Services To Charge Fees to Homestead Facility Residents"

H.P. 1049 L.D. 1492
(C "A" H-423)

Bill "An Act To Implement the Fund for the Efficient Delivery of
Local and Regional Services"

H.P. 1155 L.D. 1637
(C "A" H-432)

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

Senate As Amended

Bill "An Act To Amend the Law Governing the Licensure of
Interpreters for the Deaf and Hard-of-hearing"

S.P. 467 L.D. 1340
(C "A" S-216)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Act

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

H.P. 490 L.D. 670
(C "A" H-258)

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

Resolve

Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions

H.P. 972 L.D. 1408
(C "A" H-374)

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

RECALLED FROM GOVERNOR'S DESK

An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights

H.P. 182 L.D. 243
(C "A" H-220)

(In Senate, May 17, 2005, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 626), in concurrence.)

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

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

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers"

S.P. 469 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-227).**

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

READ ONCE.

Committee Amendment "A" (S-227) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years (EMERGENCY)

H.P. 1188 L.D. 1681

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 345

**MAINE STATE LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

May 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1664 An Act To Limit Mercury Emissions from Crematoria

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

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 346

**MAINE STATE LEGISLATURE
COMMITTEE ON JUDICIARY
AUGUSTA, MAINE 04333**

May 17, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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 bills out "Ought Not to Pass":

L.D. 591 An Act To Clarify the Provisions for Child Support Orders Providing Health Insurance for Children

L.D. 718 An Act To Increase the Amount of Equity in a Principal Residence That Is Exempt from Attachment

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 347

**MAINE STATE LEGISLATURE
COMMITTEE ON JUDICIARY
AUGUSTA, MAINE 04333**

May 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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 bills out "Ought Not to Pass":

- L.D. 732 An Act To Provide a Defense in Protection from Abuse Orders
- L.D. 894 An Act To Require Guardians ad Litem To Receive Counseling Training
- L.D. 908 An Act To Protect Homosexuals from Discrimination

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 348

**MAINE STATE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 254 An Act To Change the Minimum Requirement for a Political Party To Be Recognized
- L.D. 1007 An Act To Eliminate Certain Limitations in the Siting of Agency Liquor Stores

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

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. John L. Patrick
House Chair

READ and with accompanying papers **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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans"

H.P. 818 L.D. 1189

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-452).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452).**

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

READ ONCE.

Committee Amendment "A" (H-452) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection (EMERGENCY)

H.P. 458 L.D. 625

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-446).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)**.

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

READ ONCE.

Committee Amendment "A" (H-446) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Possession of an Electronic Weapon"

H.P. 868 L.D. 1271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-449)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449)**.

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

READ ONCE.

Committee Amendment "A" (H-449) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Establishing an Experimental Moose Lottery for Southern Maine

H.P. 911 L.D. 1313

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-450)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**.

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

READ ONCE.

Committee Amendment "A" (H-450) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity"

H.P. 1062 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-448)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)**.

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

READ ONCE.

Committee Amendment "A" (H-448) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Protect Maine's Groundfishing Industry"

S.P. 205 L.D. 650

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management"

H.P. 902 L.D. 1305

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-403)** (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - May 23, 2005, by Senator **WESTON** of Waldo

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

(In House, May 20, 2005, 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-403)**.)

(In Senate, May 23, 2005, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-403) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

Senator **DOW** of Lincoln was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require the Department of Health and Human Services To Analyze Costs before the Legislature Imposes Mandates"

H.P. 84 L.D. 108

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-424)** (5 members)

Tabled - May 23, 2005, by Senator **MAYO** of Sagadahoc

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

(In House, May 20, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 23, 2005, Reports **READ**.)

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I hope you give this bill your serious consideration. The legislature, past and present, has always had an opportunity to investigate the costs of mandates in the insurance field. When we look at regulations and statutory suggestions, we have already in place a mechanism to examine whether certain mandates are going to impact the cost of the delivery of services. We're used to taking a look at the cost of requirements in mandates in the environmental protection arena. What this bill does is simply request that we have the opportunity to examine costs that result from proposals that are put forward from the legislature, or in the rulemaking process, that may add additional costs to healthcare providers. I think we have determined, with exhaustive analysis over the last few years, that

costs of delivering healthcare services do impact the access of healthcare services. We use this as a tool in the insurance arena and it seems an appropriate tool for us to incorporate in our healthcare planning. The minority would like to be able to have available to the Health and Human Services Committee the option of being able to request a mandate analysis of a proposal that may come before it and examine the costs that may be placed on physicians and other healthcare providers. As I said, it is a tool that we use in many other arenas. Cost impacts access. It's appropriate for us to examine costs around healthcare initiatives that result from proposals that are put forward from this legislature or through rulemaking. I would request that you reject the majority Ought Not to Pass report and go on and accept the minority report, Ought to Pass.

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

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise to urge you to support the majority committee report, Ought Not to Pass. While I have always supported the mandate situation in the Insurance and Financial Services area, because it is fairly easy to apply, but to put this into the Health and Human Services area, however, as the bill is currently written, copying a great deal from the insurance mandate, does not, in my mind, really carry over and apply. It would be very difficult. It would be quite expensive. Taking a quick look at the bills that have been before the committee thus far this year, seven of them could require a mandate based upon how both the bill itself and the amendment to the bill, which is the minority report, would stack up. In addition, as this bill is written, it would require a review before the department could implement any legislative approved budget provisions. In addition to taking a look at the particular L.D.s, it could really stall, as far as others and I interpret it, the budget provisions within the DHHS area. For those reasons, I would urge the members of this body to support the majority Ought Not to Pass report.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you, Madame President. I was curious what the fiscal note would be on the minority report.

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President. The fiscal note, according to the Fiscal Office, is \$12,000 per study.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I'd be somewhat concerned about the \$12,000 per study. It appears they might be going out of house. I know the Superintendent of Insurance can only do about two studies a year at the most. We're talking well over a two-year program. I'm somewhat concerned because residential care needs to happen now, not two-years from now. I'm concerned with time, cost, and the number of studies that can be done. We are very clearly limited within the Health and Human Services Committee. I would be somewhat concerned at this point in time. Thank you.

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

Senator **ROSEN:** Thank you, Madame President. In response to some of the inquiries from the good Senator from York, Senator Sullivan, the members of the minority report are very interested in having the Health and Human Services Committee avail themselves of the discretion of being able to select which areas should be reviewed with a mandate study and those that will not be. This will not be an automatic mechanism. I think it's fair to say that there may very well be, and perhaps have been, a variety of different proposals that have been put on the books and have resulted in mandates on healthcare providers that have, in fact, significantly raised costs and perhaps have not improved the system. As I said earlier, costs are a barrier to access and we are all concerned with trying to open up and improve access to healthcare. I think if the Health and Human Services Committee, or the committee of jurisdiction, has the authority to select, in its wisdom, which areas, which bills, or proposals would require a mandate study that would guard against the concerns of the good Senator.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#162)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, PERRY, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senators: MILLS, NUTTING, ROTUNDO

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **MAYO** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the State Planning Office"

H.P. 864 L.D. 1246

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-438)** (1 member)

Tabled - May 23, 2005, by Senator **SCHNEIDER** of Penobscot

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

(In House, May 20, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 23, 2005, Reports **READ**.)

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

H.P. 940 L.D. 1357

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-334)** (7 members)

Minority - **Ought Not To Pass** (6 members)

Tabled - May 23, 2005, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 20, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 23, 2005, Reports **READ**.)

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I would ask you to reject the minority report and go on to pass the Ought to Pass report for the popular election of state officers and the state auditor. I know you've had a paper come across your desk, there are very few states that do not elect these constitutional officers, of which Maine is one. Maine, Alaska, Hawaii, New Hampshire, New Jersey, and Tennessee do not. We heard a lot of testimony on this bill and it was the feeling of the majority report that these are highly critical positions in state government and should not be elected by partisan vote. They have to maintain a non-partisan appearance and duties, so that is the reason for the majority report.

At the request of same Senator, Reports **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President. I urge those of you present to please support the minority Ought Not to Pass report. I don't recall a great deal of outcry about the system as it stands today. However, I do have a long history of attempts to try to change the way we do things here in Maine. I think we have an efficient system. I think we are competent to make this decision. The two bodies are adequately elected and therefore this body has a very efficient, and I believe, productive way of electing our constitutional officers. Again, I'd like to remind those of you that it would require a Constitutional Amendment in order to change this. I, personally, do not believe that it is necessary to make this change. Thank you and I hope you will support the minority Ought Not to Pass report.

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

Senator **CLUKEY:** Thank you, Madame President, ladies and gentlemen of the Senate. I hope you will reject the minority Ought Not to Pass report and support the majority Ought to Pass report. Some citizens in my district are asking for this change because they believe, as I do, that the positions of Secretary of State, State Treasurer, Attorney General, and State Auditor are far too important for the everyday responsibilities of the State of Maine to be appointed in a partisan way with very little attention to qualifications. Candidates for these critical positions should make their case to the voters every four years in a process where voters could examine their qualifications. Voters in Maine would then be able to make decisions based on the candidates' background, education, communication skills, and other attributes in a statewide election.

I first came to the legislature in 1993 and I've suffered through four joint sessions of the legislature where constitutional officers were selected. The process is almost always very partisan, sometimes extremely divisive. It's not a good way to start off a session. Some of the hard feelings that are created during these debates are often lasts several months into the session, if not for the remainder of our time here. It's looked upon as a partisan issue, but I don't feel that it really is. I think there are people on both sides of the aisle that believe this will happen some day. I'd like to challenge the Senate to have the courage and the vision to make it happen on our watch. This is long overdue and I believe it would be of great benefit to our state. I

hope you get a chance to look at the handout that was passed out to you. Thank you, Madame President.

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

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

Senator **SCHNEIDER:** Thank you, Madame President. I'd like to remind all of you that we do have a clean election system, and assuming that the majority Ought to Pass report will be accepted, this would cost the state quite a bit more additional funding for these positions to also be funded under the Maine Clean Election Act. I also would remind you that right now it is trying times to get funding for those elections that we currently support by the Clean Election Fund. For somebody who supports clean elections, which I do, I urge you to support the minority Ought to Pass report. Thank you.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices"

S.P. 247 L.D. 749

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-223)** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-224)** (2 members)

Tabled - May 23, 2005, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223)** Report

(In Senate, May 23, 2005, Reports **READ**.)

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. The reports on this bill are very close. We were brought this bill because the Ethics Commission would like some guidance in what political activities the commission members could engage in. The majority report prohibits anything done by the Ethics Commission unless it is at a county or municipal level or an out-of-state election. It doesn't leave any room for someone to work on the presidential campaign or

congressional campaign. The minority report does that. The reason we brought up the minority report is because you have a constitutional right to political free speech and the fact that you join the commission to do this on behalf of the citizens of the State of Maine shouldn't preclude you from that. The reason we felt that these two should be allowed is that they are not under the purview of the commission. The purview of the commission is our clean election. It doesn't have anything to do with what is covered already by the Federal Election Commission and that has its own watchdog kind of thing going on. This allows the members to participate more fully in the process while still doing their job adequately with the commission. I would ask you to please reject the majority report and accept the minority report, remembering that this is a bi-partisan commission and we will be limiting the activities of your fellow members of your caucus as well as mine. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I hope that you will support the pending motion. The majority of the committee did feel as though there were issues from the last campaign cycle that caused some problems. There was a member of the Ethics Commission that had been participating in one of the presidential races that caused quite a bit of difficulty within the commission and also within the parties. That is really what brought the bill forward. It had to do with activity within the presidential campaign. Keep in mind that while the federal election laws are related to these congressional and presidential races, they are also packs that can be created for the election of certain candidates, whether they are congressional candidates or presidential candidates, in which members of the commission may participate in under current law. It was felt by the committee that once you are on the Ethics Commission you should try to keep your politics limited since you will be making rulings that could, potential, be very significant rulings for or against particular candidates and parties. That was the intent of the majority of the committee. I hope you will support that cause. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

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

THE PRESIDENT: The Senator may pose her question.

Senator **WESTON:** Thank you, Madame President. I would like to have anyone who can answer, the original bill that was brought forward, I believe by the commission itself, could someone detail what they actually were asking for in the original bill?

THE PRESIDENT: The Senator from Waldo, Senator Weston poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President. The original bill was not brought forward by the commission, I brought it forward on behalf of the commission. The original bill would have

eliminated any involvement in any political activity at all. The majority report has carved out local races and out-of-state races, which they cannot make decisions on. Those are the only two minor carve outs, local races and out-of-state elections.

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

Senator **PLOWMAN:** Thank you, Madame President. Just briefly, the commission did offer a compromise for us to work on in the committee. It did recognize that there were certain roles that the people could play. The first testimony from the Ethics Commission at the hearing took no position on the bill. If it was brought forward on behalf of the commission, they certainly didn't endorse it at the hearing. They did offer an amendment to help us define it. What they were looking for was a definition, not a prohibition. Please keep that in mind.

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 Kennebec, Senator Gagnon to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#163)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: ROTUNDO

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-223) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

H.P. 940 L.D. 1357

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-334)** (7 members)

Minority - **Ought Not To Pass** (6 members)

Tabled - May 23, 2005, by Senator **BRENNAN** of Cumberland

Pending - motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, May 20, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 23, 2005, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#164)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, SCHNEIDER, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, WESTON, WOODCOCK

ABSENT: Senator: ROTUNDO

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

Senator **GAGNON** of Kennebec moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prevent Campaigning at Polling Places"

S.P. 572 L.D. 1598

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-226)** (10 members)

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

Tabled - May 23, 2005, by Senator **GAGNON** of Kennebec

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

(In Senate, May 23, 2005, Reports **READ**.)

Senator **MITCHELL** of Kennebec requested a Division.

On motion by Senator **WOODCOCK** of Franklin, 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 (#165)

YEAS: Senators: **ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MILLS, NASS, PLOWMAN, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK**

NAYS: Senators: **BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, RAYE, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS**

ABSENT: Senator: **ROTUNDO**

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season"

H.P. 354 L.D. 479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-406)**.

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
ANDREWS of York

Representatives:

FLETCHER of Winslow
EMERY of Cutler
KAELIN of Winterport
DUGAY of Cherryfield
CRESSEY of Cornish
ASH of Belfast
EDER of Portland
SEAVEY of Kennebunkport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-407)**.

Signed:

Representatives:

PERCY of Phippsburg
ADAMS of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406)**.

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-407)** Report, in **NON-CONCURRENCE**.

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. This bill has had a very long and torturous road through our committee. It took a lot of giving and taking, back and forth, on both sides of the aisle and with the government entities. We felt that we have come out with a report that reflected this effort of working back and forth. I'm going to

ask you to honor that and to vote against the minority report and to go on to support the majority.

Same Senator requested a Roll Call.

At the request of same Senator, Reports **READ**.

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

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

Same Senator requested a Roll Call.

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

Senator **DAMON:** Thank you, Madame President. I requested to speak before that motion, so my comments now will not be germane to that motion.

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

Senator **RAYE:** Thank you, Madame President. I would ask a question to the Presiding Officer as to what is appropriate to debate with this motion pending?

THE PRESIDENT: I believe it is only appropriate to debate the indefinite postponement of this bill and all its accompanying papers. The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I rise to oppose the pending motion to indefinitely postpone this bill so that we can move on and debate the merits of it.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#166)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, PLOWMAN, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: ROTUNDO

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Senator **PLOWMAN** of Penobscot moved the Senate **RECONSIDER** whereby the Bill and accompanying papers were **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill and accompanying papers were **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Mandate E-9-1-1 TDD Testing and Training"

S.P. 594 L.D. 1612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-228)**.

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

READ ONCE.

Committee Amendment "A" (S-228) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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. 349

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

May 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 1649 An Act To Amend the Maximum Allowable Tuition for Students
- L.D. 1655 An Act To Establish the Maine Graduate Retention Loan Program

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 350

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

May 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 176 An Act To Eliminate Limitations on Access to Medications under Certain State Programs
- L.D. 1072 An Act To Require Health Care Providers To Contain Costs
- L.D. 1310 An Act To Ensure Rural Access to Prescription Drugs

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

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/18/05) Assigned matter:

An Act To Sustain Maine Schools and Libraries
S.P. 439 L.D. 1259
(C "A" S-116)

Tabled - May 18, 2005, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116).**)

(In House, May 16, 2005, **FAILED ENACTMENT.**)

On motion by Senator **BARTLETT** of Cumberland, 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-116)**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-116).

On further motion by same Senator, Senate Amendment "A" (S-201) to Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

Committee Amendment "A" (S-116) as Amended by Senate Amendment "A" (S-201) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY SENATE AMENDMENT "A" (S-201) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/05) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Prohibit Same-day Voter Registration"

S.P. 90 L.D. 270

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (4 members)

Tabled - May 20, 2005, by Senator **GAGNON** of Kennebec Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 20, 2005, Reports **READ**.)

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

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I would urge you to reject the majority Ought Not to Pass report. The amendment was prepared by some of us who thought that the complaints that came to us about the alleged voter fraud that happens on election day needed some investigation. Before domestic abuse was reported, people said that it didn't exist. The same is happening with voter fraud. This amendment says that should the clerk challenge....

THE PRESIDENT: Senator, please direct your remarks to the motion, not to the amendment.

Senator **PLOWMAN:** I'm sorry. I'd like you to reject the majority Ought Not to Pass report so that we can go on and adopt the minority report which would seek to address the issue that this bill brought forward. The issue itself was the voter fraud that takes place on election day. What was heard before the committee was that there were allegations of fraud but they were never sent forward for investigation. The fact that they were never sent forward for investigation doesn't give us anything to base our policy-making decisions on. We did decide that there should be registration on that day. That was something that the whole committee could agree on. What we couldn't agree on was whether voter fraud actually existed. If you reject this report, then we can go on and put into effect some measures so that we can look at that issue and decide if we do need to address this in policy. I would ask you to please reject this report. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. This is one of those classic situations of a solution looking for a problem. The reality of the situation is that there has been zero investigations and zero indictments, or whatever you would have, having to do with voter fraud on election day. What this bill would do, however, if it were passed, and which is why the committee thought it should not be passed, is it would disenfranchise a number of voters from the state. Keep in mind that Maine has one of the highest voter turnouts in the country. We do that because we allow people to register right up until election day if they are not registered within that municipality. There was some suggestion that maybe people are voting out-of-state and would then register in-state and vote again or in some other municipality, but there is zero evidence of that. What we would be doing is disenfranchising people, particularly new residents that come into a municipality. People who might have just moved in and go to election day. It might be a local municipal election or it might be a state election. They would be denied their right to vote. We have to be very careful. This is truly one of the fundamental rights that we have. The right to vote. When we curtail that, when we put limits on it, we will take that right away. That is what we would be doing with those people. We're running on very shaky ground. I would suggest, even, that the fact that we have zero problems and that we would be literally taking a right that existed previously away from somebody would cause us all kinds of hardships and problems. Let's stick with our tradition of having very high voter turnouts. We have a number of laws and the committee has worked many years to try to make sure that we get as many people out on election day as possible and have good solid elections. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just want to comment on one thing. As far as the intent of this bill, it was by means an attempt to take away anybody's rights. I think that if you look at most of the other states in the country, they have a cut off. I think there is a little bit of personal responsibility that ought to go along with the right to vote. I don't think that it's asking too much for someone to

exercise that responsibility. The original bill would not prohibit anyone from voting. With the sacrifices that have gone to preserve the right to vote in this country, you would think that someone could take a couple of minutes and register to vote a couple of days ahead so you could have an accurate list at the polling places. It just doesn't seem like it's an onerous request. I just wanted to bring that forward. Thank you, Madame President.

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

Senator **PLOWMAN:** Thank you, Madame President. Just to be clear, no matter what report you accept this afternoon, no one will be refused registration on election day. That is not the way that this bill ended up coming out of committee. What would be the result would be that information would be gathered about people that don't satisfy the residency requirements to the extent that the clerk is satisfied. There was no position here at all that denies anybody the right to register that day. Should you reject this report and go on then we would be gathering information to determine if we need to make policy decisions. Please don't leave this debate and go to vote thinking that you are going to be preserving someone's absolute right to vote that day because there is a bill that says they can't. There is no bill that says they can't.

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

Senator **GAGNON:** Thank you, Madame President. I'll talk about the motion on the floor, which is an Ought Not to Pass on the bill before the committee. The bill before the committee stops people from registering and voting on election day. The minority report does do something different, which is also not necessary. The way this came out of committee is the majority of the committee thought it ought not to pass.

Getting back to an earlier comment that was made, that we want to have some type of accurate reflection or accurate accounting. There was no evidence that there were any inaccuracies. What we are talking about is preventing, or trying to prevent, or even gathering information, or whatever we would move on to if we didn't accept this report, about people who have the right to vote. Keep in mind that sometimes people don't necessarily vote responsibly. The suggestion was that people had to have some responsibility with their right. Some people are really irresponsible with the way they vote, but as long as they do it according to the law they have that right. They have the right to vote. They have the right to be irresponsible if they want to. It's their right as an American. It's our fundamental right to vote. That is what this is all about. People often do things that they have a right to do and they are irresponsible in doing that. Who is going to determine responsibility? Who is responsible and who is not? What are the standards? This is a slippery slope we're heading down. Should we determine that maybe people with certain mental illnesses aren't going to be responsible enough to vote? We've been through that before. We've had those debates before. There is no problem here, folks.

THE PRESIDENT: The Chair will remind members to speak to the motion. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. If I might exercise a little personal responsibility and pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. To anyone who might be able to answer, how many states in the country have same day registration besides Maine?

THE PRESIDENT: The Senator from York, Senator Courtney poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. You are asking a question that requires reaching way back in a memory that is a little shaky at the moment, but I can certainly provide that information. I can tell you this, Minnesota is one. Maine is one. There are two or three others that come to mind. Every one of those states is always competing for the highest voter turnout. Every one. Same day registration is one of those things that I think Maine has set the tone. If you go to the elections meetings around the state, when the Secretary of State meet, you will hear about that discussion, about the large voter turnout and how same day registration is really a significant part of that. To stop same day registration in the State of Maine would be a drastic and major turn in our rules of democracy. It would be a huge change. This has been in our system now for over 30 years. I think it is something that we really should think carefully about because people appreciate the opportunity to go and vote up to and including the last day. I'm sorry I don't have that information, but I certainly will have it within ten minutes of this Senate adjourning today. Thank you, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. There are a number of states. Ironically, all the states that have it are at the top of the list of voter turnout on election day. Those that don't are on the bottom of the list. That should really give you a pretty clear message of what you have and what happens. I think it's important that you look at what is being proposed. There is a committee amendment to this bill, for those who signed the minority report. If you haven't read the amendment that is being suggested, I urge you to read it. I can't think of anything more chilling, frankly, because someone can vote and then they have to go home and come back and prove who they are. If they don't, their name is turned over to the District Attorney for possible fraud. I can't imagine anything more chilling to the political process. Whoever dreamed up this amendment gets the award.

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

Senator **GAGNON:** Thank you, Madame President. I was going to attempt to answer the good Senator's question. I don't know the answer to the number of states that do not have same day voter registration, but I do know, and I believe this is accurate,

that the states that do have same day registration, none of them have repealed that. None of them have changed. Once that right to vote has been extended by that state, no one has then gone back and curtailed that right.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I have the answer. Those states that have same day registration are Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming. It's really amazing. I had forgotten a couple of those states. They are in the top of voter turnout. I apologize for the delay in getting the answer, but thanks to technology we got it to you. Thank you very much.

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

Senator **DOW:** Thank you, Madame President. I am not going to address the amendment.

THE PRESIDENT: The Chair appreciates that, Senator.

Senator **DOW:** Thank you, Madame President. Looking in the Constitution and the Bill of Rights for the United States, we don't even find any mention of the right to vote there until we reach the area of the right to vote for blacks as a result of the Civil War. I believe that, because the right to vote is so basic, we just assume it is a right that exists. It's the right I consider being above all others. It's the right that allows us to have freedom of speech and to do anything else that we want in this country. Therefore, I appreciate rules that do not inhibit voting. I just find this is such a basic right. I can remember campaigning and telling my people, all of them that I ran into, that you don't have to worry about voting in this state because you can sign up and vote on voter day. I know many people that did. They told me, 'I've never voted before. I don't believe in the voting process, but I'm signing up for this election and I'm voting.' I believe it is such a constitutional right that we have. It's an ability that we have to change our future and it's an ability that allows every single person on voter day to be equal. The President of the Senate's vote is the same person, the same one vote that any person in the State of Maine has. The Governor only has one vote. The President of the United States only has one vote. On that day, everyone is equal. Therefore, I cannot accept rules that will limit the way we vote in this state. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#167)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL,

NUTTING, PERRY, RAYE, SCHNEIDER, STRIMLING, SULLIVAN, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, HASTINGS, MILLS, NASS, PLOWMAN, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senator: ROTUNDO

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Require the Fair Application of the Mechanic's Lien Law" S.P. 178 L.D. 570

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-230)**.

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

READ ONCE.

Committee Amendment "A" (S-230) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians" S.P. 230 L.D. 693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-229)**.

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

READ ONCE.

Committee Amendment "A" (S-229) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Tuesday, May 24, 2005, at 10:00 in the morning.