

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Monday  
February 25, 2008

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

Prayer by Reverend Linda Hatch of North Windham Union Church, UCC.

**REVEREND HATCH:** Let us pray. Holy One, we come this morning grateful for this state, its precious and diverse people, and resources. We are grateful for each person here, for individual gifts, and for the sharing of very difficult responsibilities. Guide throughout this day each one here in his or her work with clear thinking, true perspective, caring hearts, and needed strength. May all work flow through patience, understanding, and openness with one another. May ongoing diligence find newness in solving problems and in securing ways to make life better for all people. We take time to remember our service men and women serving this nation in many ways and in difficult and dangerous places. We are grateful for their devotion and courage, yet mindful of their disrupted family lives and relationships. May they find the help and the strength they need this day. Bless each person here with light moments to restore and keep wholeness in this place and an inner peace at the days end with what has been accomplished together and what will move forward into another day. Amen.

Pledge of Allegiance led by Senator Lois A. Snowe-Mello of Androscoggin County.

Reading of the Journal of Thursday, February 14, 2008.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.P. 854

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

February 20, 2008

Sen. Ethan Strimling  
Senate Chair, Joint Standing Committee on Labor  
Rep. John L. Tuttle  
House Chair, Joint Standing Committee on Labor  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Richard Metivier of Lewiston and Catherine Sullivan of Portland for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 M.R.S.A. §17102, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the Committee on **LABOR**.

Sent down for concurrence.

The Following Communication: S.P. 855

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

February 22, 2008

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated James W. Tracy of Farmingdale for reappointment to the State Harness Racing Commission.

Pursuant to Title 8 M.R.S.A. §261-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

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The Following Communication: S.P. 856

**STATE OF MAINE  
123<sup>RD</sup> MAINE LEGISLATURE**

February 22, 2008

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry  
123<sup>rd</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Board of Pesticides Control:

Daniel Simonds of Rangeley for reappointment  
Thomas Qualey of Sherman for reappointment  
Deborah Aldridge of Jonesboro for appointment

Pursuant to Title 22 M.R.S.A. §1471-B, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/Glenn Cummings  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

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The Following Communication: S.C. 638

**THE INTERDEPARTMENTAL COMMITTEE ON TRANSITION  
P.O. BOX 2219  
AUGUSTA, MAINE 04338**

February 14, 2008

Senate President Beth Edmonds  
Senate of Maine  
3 State House Station  
Augusta, ME 04333

Dear Senate President Edmonds,

Attached is the COT legislative report required under 20-A MRSA, chapter 308, Transitional Services Coordination Projects For Handicapped Persons, §7804.

It includes general information regarding the programs sponsored by this legislation and, beginning on Page 11, specific recommendations for serving this population based on the results of these projects.

While we recognize the enormous number of reports and documents you receive serving in the legislature, we hope you will take the opportunity to review this report and to read the included passages written by the youth who we serve. These young people are just a sampling of the nearly 3000 young people with disabilities who benefited from COT programming and training last year.

Good transitions are built on the dreams and hopes of each individual child. The COT works tirelessly to build on that hopeful message and helps each young person become an advocate for themselves and for others as they pursue their goals for the future.

Thank you for taking the time to review this report

Sincerely,

S/Michael Ashmore  
Executive Director  
Maine Transition Network  
Staff to the Interdepartmental Committee on Transition

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

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

Six members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

H.P. 201 L.D. 239

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-657).**

Signed:

Senator:  
SHERMAN of Aroostook

Representatives:  
GREELEY of Levant  
HILL of York  
HANLEY of Gardiner  
HASKELL of Portland  
SYKES of Harrison

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senators:  
DIAMOND of Cumberland  
McCORMICK of Kennebec

Representative:  
PLUMMER of Windham

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-658).**

Signed:

Representatives:  
GERZOFKY of Brunswick  
KAENRATH of South Portland

Comes from the House with Report "C", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-658) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-658).**

Reports **READ.**

Senator **DIAMOND** of Cumberland moved the Senate **ACCEPT** Report "B", **UGHT NOT TO PASS**, in **NON-CONCURRENCE.**

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

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. This report, obviously, is something the committee weighed heavily, as you can see by the report. The reason that I moved the Ought Not to Pass is because what this bill would do is make a felony of an assault on a firefighter at the scene of a fire or another emergency situation. On the face of it that sounds like it would make a lot of sense. I certainly would not want to have our firefighters not protected. We looked at it a

little more closely and were able to find some things that maybe would suggest that we really don't need this piece of legislation. I understand the attractiveness of supporting it, but let me just share a couple of things with you. First, the fiscal note on this is \$70,000. We spent a better part of three days in my committee, and maybe you have as well, trying to find less than that through cuts. That's not an easy thing to do these days. We have a \$70,000 fiscal note. We also have to realize that under existing statute it's already a crime, against the law, to assault a firefighter and the penalty is up to a year in jail and a \$2,000 fine. If it is an aggravated assault the District Attorney can make it even a higher penalty. The other concern we had is that there aren't that many cases that people can point to that would say this law is even needed. You also need to understand that at a scene of a fire sometimes it's very emotional and it's not unusual for people who own the building or the dwelling want to get back inside to save a pet or for some other reason. If the firefighter resists them from doing that, and there is an altercation of some sort, this bill would make them a felon. When you add all those things up, the \$70,000 fiscal note, not that many cases already that would suggest we even need this, that we already have a statute in place that protects firefighters, I would ask you to support the Ought Not to Pass.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Accept the Report "B", Ought Not To Pass, in Non-Concurrence. 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 (#282)**

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BRYANT, DAMON, DIAMOND, DOW, HASTINGS, HOBBS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NUTTING, SHERMAN, SMITH, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, GOOLEY, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOW-MELLO, STRIMLING, SULLIVAN

ABSENT: Senators: BROMLEY, TURNER

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** Report "B", **UGHT NOT TO PASS**, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Election of Municipal Charter Commission Members"  
S.P. 762 L.D. 1968

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-426)**.

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

**READ ONCE**.

Committee Amendment "A" (S-426) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009"

S.P. 808 L.D. 2118

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-428)**.

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

**READ ONCE**.

Committee Amendment "A" (S-428) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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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 As Amended**

Bill "An Act To Require a Hearing When a Fatality Results from a Motor Vehicle Accident"

H.P. 1384 L.D. 1948  
(C "A" H-673)

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

Bill "An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine" (EMERGENCY)  
H.P. 1351 L.D. 1918  
(C "A" H-671)

**READ A SECOND TIME**.

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

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**Senate As Amended**

Bill "An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff" (EMERGENCY)

S.P. 755 L.D. 1961  
(C "A" S-423)

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

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

H.P. 1585 L.D. 2219

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, Authorizing the State Tax Assessor To Sell 2 Certain  
Parcels of Land in the Unorganized Territory  
H.P. 1583 L.D. 2217

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

Comes from the House, **REFERRED** to the Committee on  
**AGRICULTURE, CONSERVATION AND FORESTRY**.

**REFERRED** to the Committee on **AGRICULTURE,  
CONSERVATION AND FORESTRY** and ordered printed, in  
concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Resolve  
Tribal-State Work Group**

The **Tribal-State Work Group**, pursuant to Resolve, chapter 142,  
section 8 asked leave to report that the accompanying Bill "An Act  
To Implement the Recommendations of the Tribal-State Work  
Group"

H.P. 1587 L.D. 2221

Be **REFERRED** to the Committee on **JUDICIARY** and ordered  
printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **REFERRED** to the Committee on **JUDICIARY** and  
ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **JUDICIARY** and ordered  
printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the  
Maine Revised Statutes, Title 17-A, section 1354, subsection 2  
asked leave to report that the accompanying Bill "An Act To Aid  
Victims of Identity Theft in Securing a Police Report and To Aid  
Victims in Court Proceedings When Their Identities Have Been  
Stolen and Falsely Used"

H.P. 1586 L.D. 2220

Be **REFERRED** to the Committee on **JUDICIARY** and ordered  
printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **REFERRED** to the Committee on **JUDICIARY** and  
ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **JUDICIARY** and ordered  
printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, To Assist Maine's Forest Products Industry  
(EMERGENCY)

H.P. 1588 L.D. 2222

Comes from the House, **REFERRED** to the Committee on  
**TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered  
printed, in concurrence.

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

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Senator **PLOWMAN** of Penobscot was granted unanimous  
consent to address the Senate off the Record.

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

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Senator **COURTNEY** of York was granted unanimous consent to  
address the Senate off the Record.

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Senator **SCHNEIDER** of Penobscot was granted unanimous  
consent to address the Senate off the Record.

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Senator **MARTIN** of Aroostook was granted unanimous consent  
to address the Senate off the Record.

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Off Record Remarks

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

After Recess

Senate called to order by the President.

**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 (2/7/08) Assigned matter:

Bill "An Act To Secure the Sites Necessary for the Statewide Radio and Network System"

H.P. 1497 L.D. 2111

Tabled - February 7, 2008, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-670)**, in concurrence

(In House, February 6, 2008, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670)**.)

(In Senate, February 7, 2008, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-670) **READ**.)

Committee Amendment "A" (H-670) **ADOPTED**, in concurrence.

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

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "A" (S-424) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670) AND SENATE AMENDMENT "A" (S-424)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (2/14/08) Assigned matter:

Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

S.P. 741 L.D. 1932  
(C "A" S-410, S "D" S-419)

Tabled - February 14, 2008, by Senator **MITCHELL** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** thereto.

(In Senate, February 14, 2008, **READ A SECOND TIME**.)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "C" (S-430) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. This corrects an error that was in the original bill. This amendment is attached to the bill and not attached to the amendment that is already on the bill. There was some confusion about where this was and where it was supposed to be. This amendment now makes the intention of the bill being followed.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Adopt Senate Amendment "C" (S-430). 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 (#283)**

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

NAYS: Senators: None

ABSENT: Senators: BROMLEY, TURNER

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being absent, the motion by Senator **MARTIN** of Aroostook to **ADOPT** Senate Amendment "C" (S-430), **PREVAILED**.

**THE PRESIDENT:** The pending question before the Senate is the motion Passage to be Engrossed as Amended. A Roll Call has been ordered. Is the Senate ready for the question?

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.

On motion by Senator **RAYE** of Washington, Senate Amendment "B" (S-420) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. The amendment that I am presenting will address a very important flaw in the existing school consolidation law. The law that was passed last year repealed the provisions of existing law which allows a district to dissolve itself and allows a municipality to withdraw from one district to partner with another district. I believe that few of us realized that this was going to be the result of the law that was passed last year. It takes away the ability of municipalities to pick their partner, something which I believe was a core principle of the law that was passed last year. Some towns wish to go into partnerships with districts in an area that makes the most sense for their community and for their students but find themselves trapped, literally trapped, in a district not of their choosing because the larger district that they are in chose to go in another direction. I don't believe that this is a fundamental principle that we would want to embrace as a legislature. I don't think we want to take away that choice. I hope you will join with me in supporting this amendment so that we can restore that element of choice for Maine people.

On further motion by same Senator, Senate Amendment "B" (S-420) **ADOPTED**.

Senator **GOOLEY** of Franklin moved to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Senate **ADOPTED** Committee Amendment "A" (S-410) as Amended by Senate Amendment "D" (S-419) thereto.

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

On motion by Senator **GOOLEY** of Franklin, 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 Franklin, Senator Gooley to Reconsider Adoption of Committee Amendment "A" (S-410) as Amended by Senate Amendment "D" (S-419). 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 (#284)

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

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

**ABSENT:** Senators: BROMLEY, TURNER

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **GOOLEY** of Franklin to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Senate **ADOPTED** Committee Amendment "A" (S-410) as Amended by Senate Amendment "D" (S-419) thereto, **FAILED**.

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

Senator **MILLS:** Thank you, Madame President. Just briefly, I intend to vote against the pending motion and would encourage others to do likewise for two basic reasons. One is that it is my view that this bill has been amended in numerous ways and at present will effectively repeal the law that was passed last Spring. Secondly, in its present form it will relieve school units from having to go through a public referendum on school budgets this coming June. I intend to vote against this bill for both of those reasons. Thank you.

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

Senator **DOW:** Thank you, Madame President. I'd like to pose a question through the Chair.

**THE PRESIDENT:** The Senator may pose his question.

Senator **DOW:** Thank you, Madame President. I want to know if this bill somehow preserves all of the unions that come into the new districts, not combining unions. I want to know if it preserves all of the ones that come in from either the towns or SADs and what happens with those unions.

**THE PRESIDENT:** The Senator from Lincoln, Senator Dow poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. It's my belief that the bill would not permit traditional unions as they have currently existed to continue. There would have to be some measure of further consolidation of services at the union or governance level in order for them to comply with the law. My objection to the bill is that it would permit just exactly that, the

preservation of a union structure, superimposed upon other units that would continue to exist at the local level. You would have school units inside of another school unit and I suggest considerable confusion and more complexity than we have today.

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

Senator **DOW:** Thank you, Madame President. I'd like to pose another question through the Chair if I may.

**THE PRESIDENT:** The Senator may pose his question.

Senator **DOW:** Thank you, Madame President. How does this type of consolidation save anybody any money if it's going to cause a tremendous amount of extra work for new school boards if they have to deal with a dozen, 15, or 20 school union contracts instead of just a handful like they have dealt with before? How is the school board going to deal with five or six different teacher contracts, let alone all the custodians, bus drivers, high tech people, and all of that. To me this is creating a monstrous system. If we put it into place we're going to hear from every new school board in the state very loudly.

**THE PRESIDENT:** The Senator from Lincoln, Senator Dow poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. It has been reliably reported to me that the Superintendent of the school union that surrounds Bath attended 197 school board meetings in a single calendar year. With the consolidation of that union into a district, they are projecting to save several hundred thousands of dollars a year in school costs in perpetuity.

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

Senator **RAYE:** Thank you, Madame President. I would just like to rise very briefly to say that there are those of us who have been very troubled from the outset by the passage of this law. I know there are some Senators in this Body who would prefer to see it repealed. I would say for those who may be considering voting against this because they prefer that to please think long and hard about that because this is a genuine opportunity to improve this law in a very significant way. It doesn't address every concern that many of us have but it does address a very fundamental concern that I certainly have heard repeatedly in my district and from many of your districts. I think that it is a well-reasoned and well thought out approach. I hope that we will at least move the ball forward as far as this allows. I hope you will join me in supporting the pending motion.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. In some of the previous questions that were posed to the Body there were some scenarios that would cause one to wonder and to question whether or not the bill that we are about to vote on, with its amendments, is a good thing for

us. One area that strikes me, and that I need to respond to, is the area of negotiation of teachers' contracts. In a union a particular school that is in that community has a school board and that school board, being very close to that school, is able to negotiate with its teachers for a contract, then the town next to it, and the town next to that, presumably. Yet within this bill there is centralized administration; a single Superintendent, a single curriculum coordinator, a single director of transportation, and a single director of special education. There is consolidation, which, after all, was what we were looking for when this bill came to us last year and was what was being proposed to us. Each of those communities can negotiate with, settle upon, and ratify a working agreement with their professional staff or, and I say or because this option applies, they can unify and have a single negotiated contract for all of the schools in that union. That, in fact, has been done. It's been done in a community that I know very well, a community that I grew up in, lived in, and taught in. It was done because they felt that if they, the schools and the communities in that union, felt it was a good thing for them to do. Not because it was forced upon them to do. This allows that very same choice. I would urge you to support the pending motion, the Committee Amendment "A" with its various amendments, because I'm convinced this is the best that we are going to get out of this entire initiative. Thank you, Madame President.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (S-410) as Amended by Senate Amendment "D" (S-419) thereto, and Senate Amendments "B" (S0420) and "C" (S-430). 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 (#285)

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BRYANT, DAMON, DIAMOND, GOOLEY, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN

**NAYS:** Senators: BENOIT, COURTNEY, DOW, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, ROSEN, ROTUNDO, SNOWE-MELLO, WESTON, THE PRESIDENT - BETH G. EDMONDS

**ABSENT:** Senators: BROMLEY, TURNER

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419) thereto, AND SENATE AMENDMENTS "B" (S-420); "C" (S-430).**

Sent down for concurrence.

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

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Off Record Remarks

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On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Tuesday, February 26, 2008, at 10:00 in the morning.