

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

In Senate Chamber  
Thursday  
May 12, 2005

Senate called to order by President Pro Tem John L. Martin of Aroostook County.

Prayer by Reverend Kyung-hee Sa of the Wayne Community Church.

**REVEREND KYUNG-HEE SA:** Ladies and gentlemen of the Senate, I believe that the great variety in humanity is an expression of the immense richness of God's heart. Each of us has a unique call to realize in his or her own life what nobody else can, in our family, our work, our government, and our world. Each of us is here on earth to learn the art of living and loving and to be faithful to our unique call, whether it is small or big.

One of the least understood principles of living is that when we are doing what we enjoy, everyone benefits. When the rosebush grows as it was designed to do, it pleases everyone who loves roses. When artists interpret what they see, others are able to see new truth.

As a Korean female pastor serving in an Anglo-Saxon Protestant church, I have an unusual opportunity to satisfy my curiosity about life and spirituality. One of the biggest benefits of cross-racial ministry is to experience people different from me in culture, ideas, lifestyle, language, and interactions, and to join them in the everyday circumstances of community life. I am constantly looking for the universal elements in the way people in diverse cultures live. I'm blessed by belonging to a community characterized by interdependence, harmony, and mutual growth in God.

Please join me in prayer. God of our hopes, we thank You for giving us the ability to love and nurture; to create harmony in the home, the workplace, the church, and the community. Like breath, like wind, Your spirit moves. We know its power by the fresh hope and new life that springs up as it passes. Send this Holy Spirit, we pray, into our hearts and into the wide world's shadowy corners. To You we bring our longing for wholeness and peace in the world. Spirit of holiness, sink deep within us. Enter the very sap of our being. Come build your nest in our cupped and waiting hearts. Urge us to go deeper and wider and higher so that we, together, may contribute our small part to the world's peace and prosperity. Hear our prayer. Amen.

Reading of the Journal of Wednesday, May 11, 2005.

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Joint Order:  
S.P. 621

ORDERED, the House concurring, that when the House stands adjourn it does so until Monday, May 16, 2005, at 9:00 in the morning and the Senate does so until Monday, May 16, 2005, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify State Auditor Qualifications"

H.P. 512 L.D. 717

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

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

In House, May 10, 2005, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

In Senate, May 10, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

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

**Joint Order**

The following Joint Order:

H.P. 1179

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary shall report out, to the House, a bill to provide former foster parents with standing to appeal a decision concerning licensing or the removal of children placed with the former foster parents.

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

**READ** and **PASSED**, in concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Law Regarding Certification of Educational Personnel"

H.P. 1010 L.D. 1446

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

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

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

**READ ONCE**.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1075 L.D. 1530

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

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

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

**READ ONCE**.

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

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**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Support Animal Welfare"  
H.P. 129 L.D. 178

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-329)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-329)**.

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

**READ ONCE**.

Committee Amendment "A" (H-329) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Changes to the Laws Governing the Maine Potato Board" (EMERGENCY)  
H.P. 378 L.D. 503

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-330)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330)**.

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

**READ ONCE**.

Committee Amendment "A" (H-330) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances"  
H.P. 907 L.D. 1309

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-331)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)**.

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

**READ ONCE**.

Committee Amendment "A" (H-331) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance the Prosecution of Child Pornography Cases"

H.P. 403 L.D. 548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-132)**.

Comes from the House with the Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE.**

Committee Amendment "A" (H-132) **READ** and **ADOPTED**.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Provision of Dental Services to Indigent Children"  
H.P. 10 L.D. 5

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-328)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-328)**.

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

**READ ONCE.**

Committee Amendment "A" (H-328) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Program for the Purchase of Prescription Drugs from out of the State and out of the Country for the Elderly and Disabled"

H.P. 369 L.D. 494

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-327)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-327)**.

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

**READ ONCE.**

Committee Amendment "A" (H-327) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products" (EMERGENCY)

H.P. 660 L.D. 941

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-326)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**.

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

**READ ONCE.**

Committee Amendment "A" (H-326) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Expand the Maine Economic Improvement Fund"

H.P. 38 L.D. 42

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland  
DUDLEY of Portland  
CRAVEN of Lewiston  
FISCHER of Presque Isle  
LERMAN of Augusta  
MILLS of Farmington

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

Signed:

Senator:  
NASS of York

Representatives:  
MILLETT of Waterford  
NUTTING of Oakland  
BOWEN of Rockport  
CURLEY of Scarborough

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-281)**.

Reports **READ**.

Senator **ROTUNDO** of Androscoggin 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.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require a 10-day Waiting Period for the Purchase of Firearms by a Person under 22 Years of Age"

H.P. 234 L.D. 310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-264)**.

Signed:

Senators:  
DIAMOND of Cumberland  
NUTTING of Androscoggin

Representatives:  
BLANCHETTE of Bangor  
CHURCHILL of Washburn  
GERZOFKY of Brunswick  
GROSE of Woolwich  
DAVIS of Augusta  
PARADIS of Frenchville

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

Signed:

Senator:  
CLUKEY of Aroostook

Representatives:  
PLUMMER of Windham  
HANLEY of Gardiner  
SYKES of Harrison  
GREELEY of Levant

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make Fairs and Festivals Safer for Children"

H.P. 664 L.D. 954

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

Signed:

Senators:  
MAYO of Sagadahoc  
MARTIN of Aroostook  
ROSEN of Hancock

Representatives:  
PINGREE of North Haven  
GROSE of Woolwich  
MILLER of Somerville  
BURNS of Berwick  
SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot  
GLYNN of South Portland

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

Signed:

Representatives:  
WALCOTT of Lewiston  
WEBSTER of Freeport

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

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit In-kind Contributions to Maine Clean Election Act Candidates"

H.P. 606 L.D. 855

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

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  
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 "A" (H-312)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York  
HOTHAM of Dixfield  
MOORE of Standish

(Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

Senator **GAGNON** of Kennebec 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.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Relief from the Cost of Rescue Services to Certain Communities"

H.P. 412 L.D. 557

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317)**.

Signed:

Senators:

SCHNEIDER of Penobscot  
ANDREWS of York

Representatives:

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

ROTUNDO of Androscoggin

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-317)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Require That Property Tax Bills Specifically Note the Amount of Land Being Taxed"

H.P. 862 L.D. 1244

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302).**

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

HANLEY of Paris  
CLARK of Millinocket  
WOODBURY of Yarmouth  
CLOUGH of Scarborough  
PINEAU of Jay  
HUTTON of Bowdoinham  
SEAVEY of Kennebunkport  
WATSON of Bath

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

Signed:

Senator:

COURTNEY of York

Representatives:

McCORMICK of West Gardiner  
BIERMAN of Sorrento

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-302).**

Reports **READ.**

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

On motion by Senator **GAGNON** of Kennebec, **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.

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Houlton to New Limerick and from the Canadian Border at Calais to Baileyville"

H.P. 257 L.D. 334

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-261).**

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

MARLEY of Portland  
FISHER of Brewer  
PARADIS of Frenchville  
SAMPSON of Auburn  
THOMAS of Ripley  
MAZUREK of Rockland  
McKENNEY of Cumberland  
COLLINS of Wells  
BROWNE of Vassalboro

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

Signed:

Representative:

HOGAN of Old Orchard Beach

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-261).**

Reports **READ.**

Senator **DAMON** of Hancock 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.

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Relating to Changeable Signs"  
H.P. 373 L.D. 498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-291).**

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

MARLEY of Portland  
BROWNE of Vassalboro  
PARADIS of Frenchville  
SAMPSON of Auburn  
MAZUREK of Rockland  
McKENNEY of Cumberland  
THOMAS of Ripley

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

Signed:

Representative:

COLLINS of Wells

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-291)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-291) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Promote Responsible Advertising by Public Utilities"

H.P. 826 L.D. 1198

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

Signed:

Senator:

WESTON of Waldo

Representatives:

FITTS of Pittsfield  
CURTIS of Madison  
FLETCHER of Winslow  
RICHARDSON of Skowhegan  
RINES of Wiscasset  
McLEOD of Lee

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-296)**.

Signed:

Senators:

BARTLETT of Cumberland  
COWGER of Kennebec

Representatives:

BLISS of South Portland  
BABBIDGE of Kennebunk  
BRAUTIGAM of Falmouth  
ADAMS of Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-296)**.

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-296) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands"

H.P. 1006 L.D. 1442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-320)**.

Signed:

Senators:

BARTLETT of Cumberland  
COWGER of Kennebec  
WESTON of Waldo

Representatives:

BLISS of South Portland  
BABBIDGE of Kennebunk  
CURTIS of Madison  
BRAUTIGAM of Falmouth  
FLETCHER of Winslow  
ADAMS of Portland  
RICHARDSON of Skowhegan  
RINES of Wiscasset  
McLEOD of Lee

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

Signed:

Representative:  
FITTS of Pittsfield

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY.**

Reports **READ.**

On motion by Senator **BARTLETT** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Representative:  
HUTTON of Bowdoinham

Comes from the House with Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299).**

Reports **READ.**

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)**, in concurrence.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **ACCEPT** Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)**, in concurrence.

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**Divided Report**

Six members of the Committee on **TAXATION** on Bill "An Act To Stimulate Economic Development in Maine's Aviation Industry" H.P. 727 L.D. 1074

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-298).**

Signed:

Senators:  
PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:  
CLARK of Millinocket  
WOODBURY of Yarmouth  
PINEAU of Jay  
WATSON of Bath

Six members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-299).**

Signed:

Senator:  
COURTNEY of York

Representatives:  
HANLEY of Paris  
McCORMICK of West Gardiner  
CLOUGH of Scarborough  
BIERMAN of Sorrento  
SEAVEY of Kennebunkport

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought Not to Pass.**

Signed:

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**Senate**

**Ought to Pass As Amended**

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed

S.P. 502 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-169).**

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

**READ ONCE.**

Committee Amendment "A" (S-169) **READ** and **ADOPTED.**

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Hospital Tax" S.P. 224 L.D. 687

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" (S-164)**.

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.)

Reports **READ**.

Senator **MAYO** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **MAYO** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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**SECOND READERS**

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

**House As Amended**

Bill "An Act To Change the Definition of Promoting Prostitution in the Criminal Laws"

H.P. 163 L.D. 212  
 (C "A" H-321)

Bill "An Act Regarding Bail Conditions"

H.P. 270 L.D. 357  
 (C "A" H-322)

Bill "An Act To Make Technical Changes to the Medical Licensure Laws"

H.P. 301 L.D. 398  
 (C "A" H-318)

Bill "An Act To Amend the Statewide Building Code"

H.P. 347 L.D. 472  
 (C "A" H-295)

Bill "An Act To Phase Out the Recycling Assistance Fee"  
 H.P. 402 L.D. 526  
 (C "A" H-314)

Bill "An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures"

H.P. 481 L.D. 661  
 (C "A" H-294)

Bill "An Act To Make Technical Changes to the Maine Criminal Code"

H.P. 693 L.D. 983  
 (C "A" H-323)

Bill "An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees"

H.P. 728 L.D. 1075  
 (C "A" H-313)

Bill "An Act To Amend Certain Animal Health Laws"

H.P. 759 L.D. 1106  
 (C "A" H-305)

Bill "An Act To Increase Wetland Protection"

H.P. 803 L.D. 1160  
 (C "A" H-315)

Bill "An Act To Permit the Establishment of Regional Water Councils"

H.P. 805 L.D. 1162  
 (C "A" H-308)

Bill "An Act To Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching"

H.P. 867 L.D. 1249  
 (C "A" H-325)

Bill "An Act To Allow Applicants for Limited Radiographer Licenses To Take Qualifying Views"

H.P. 880 L.D. 1283  
 (C "A" H-319)

Bill "An Act To Require Additional Disclosure Regarding Private Mortgage Insurance"

H.P. 883 L.D. 1286  
 (C "A" H-309)

Bill "An Act To Register Nonbank Loan Officers"

H.P. 900 L.D. 1303  
 (C "A" H-311)

Bill "An Act To Amend the Maine Consumer Credit Code"

H.P. 980 L.D. 1416  
 (C "A" H-310)

Bill "An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities"

H.P. 1029 L.D. 1466  
 (C "A" H-316)

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

Bill "An Act To Protect Certain Elderly or Incompetent Dependents"

H.P. 795 L.D. 1152  
(C "A" H-324)

**READ A SECOND TIME.**

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

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**Senate**

Bill "An Act To Make Technical Amendments to the Maine Uniform Trust Code" (EMERGENCY)

S.P. 538 L.D. 1551

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Support Maine Sawmills and Lumberyards"

S.P. 12 L.D. 13  
(C "A" S-166)

Bill "An Act To Mandate Payment of Certified Deaf Interpreters for Driver Education Students"

S.P. 144 L.D. 446  
(C "A" S-168)

Bill "An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws"

S.P. 203 L.D. 648  
(C "A" S-151)

Bill "An Act To Modernize the Innkeeping Statutes"

S.P. 313 L.D. 905  
(C "A" S-160)

Bill "An Act To Modify the Transition Provision for Renewal of Social Worker Licenses" (EMERGENCY)

S.P. 350 L.D. 1010  
(C "A" S-161)

Bill "An Act To Establish the Homeland Security Relief Fund"

S.P. 387 L.D. 1125  
(C "A" S-140)

Bill "An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services"  
S.P. 392 L.D. 1128  
(C "A" S-162)

Bill "An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel"

S.P. 464 L.D. 1337  
(C "A" S-167)

Bill "An Act To Create a Graduate School of Biomedical Sciences at the University of Maine"

S.P. 530 L.D. 1528  
(C "A" S-165)

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

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **ANDREWS** for the Committee on **MARINE RESOURCES** on Bill "An Act Regarding Shellfish Harvesting"  
S.P. 429 L.D. 1250

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-170).**

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

**READ ONCE.**

Committee Amendment "A" (S-170) **READ** and **ADOPTED.**

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Change of Committee**

Senator **ROTUNDO** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Sustain and Strengthen Community Health Coalitions"

S.P. 596 L.D. 1614

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.C. 280

**MAINE STATE LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
AUGUSTA, MAINE 04333**

May 10, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 68 An Act To Eliminate Daylight Saving Time
- L.D. 1105 An Act To Impose Liability for the Illegal Withholding or Transfer of Public Funds or Property
- L.D. 1491 An Act Requiring a Municipality To Provide Proof of Ownership before Selling Acquired Property
- L.D. 1536 An Act To Reduce Property Taxes by Reforming County Government

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

Sincerely,

S/Sen. Elizabeth M. Schneider  
Senate Chair

S/Rep. Christopher R. Barstow  
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. 281

**MAINE STATE LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
AUGUSTA, MAINE 04333**

May 9, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 455 An Act To Create a Paperless Legislature and Encourage More Working-income Legislators by Allocating Savings Resulting from a Reduction in the Size of the Legislature

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

Sincerely,

S/Sen. Elizabeth M. Schneider  
Senate Chair

S/Rep. Christopher R. Barstow  
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. 282

**MAINE STATE LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS  
AUGUSTA, MAINE 04333**

L.D. 907 An Act Authorizing a General Fund Bond Issue To Improve Community Support Services for Persons with Mental Illness

May 10, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 35 An Act To Authorize a General Fund Bond Issue in the Amount of \$75,000,000 for the Land for Maine's Future Fund
- L.D. 392 An Act To Authorize a General Fund Bond Issue To Purchase a Train for Passenger Rail Service
- L.D. 411 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Support Construction of a "Curtis Class" Vessel for the Maine State Ferry Service
- L.D. 639 An Act To Authorize a General Fund Bond Issue To Rebuild the Historic Pier at Fort Preble
- L.D. 683 An Act To Authorize a General Fund Bond Issue To Clean Up Chemicals in Public Schools
- L.D. 754 An Act To Issue a General Fund Bond Issue for the Challenger Learning Center of Maine
- L.D. 757 An Act To Authorize a General Fund Bond Issue To Promote Affordable Workforce Housing
- L.D. 786 An Act To Authorize a General Fund Bond Issue for Maine Resident College Graduates Employed in Maine
- L.D. 800 An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program
- L.D. 805 An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wilderness and Fish Habitat
- L.D. 806 An Act To Authorize a General Fund Bond Issue To Encourage Rural High-speed Internet Access

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

Sincerely,

S/Sen. Margaret Rotundo  
Senate Chair

S/Rep. Joseph C. Brannigan  
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. 283

**MAINE STATE LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY  
AUGUSTA, MAINE 04333**

May 9, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 29 An Act To Provide Justice to Those Found Not Guilty Due to Mental Disease or Defect and Decrease Costs to the State
- L.D. 646 An Act To Allow a Vehicle To Be Confiscated When the Driver Has Multiple Violations of the Operating under the Influence Laws
- L.D. 1439 An Act To Increase the Penalties for Cemetery Damage
- L.D. 1447 An Act To Increase Civil and Criminal Penalties for Animal Cruelty

- L.D. 1516 An Act To Eliminate the 3-step Sentencing Procedure Relating to the Imposition of Sentencing Alternatives That Include Imprisonment
- L.D. 1521 An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents
- L.D. 1579 An Act To Extend the Ban on Assault Weapons

Sincerely,  
 S/Sen. Elizabeth H. Mitchell  
 Senate Chair

S/Rep. Jacqueline Norton  
 House Chair

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

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

Sincerely,

S/Sen. Bill Diamond  
Senate Chair

S/Rep. Patricia A. Blanchette  
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. 285

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

May 9, 2005

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

**COMMUNICATIONS**

The Following Communication: S.C. 284

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

May 9, 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. 1407 An Act To Allow Municipalities To Offer Subsidies to Parents To Send Their Children to Other Schools
- L.D. 1543 An Act To Facilitate Summer Youth Employment

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

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. 256 An Act To Ensure Compliance with Court-ordered Child Support
- L.D. 483 An Act To Facilitate Real Estate Ownership
- L.D. 771 An Act To Protect Consumers' Use of Gift Cards
- L.D. 772 An Act To Prohibit the Placement of Expiration Dates on Gift Cards
- L.D. 948 An Act To Shelter IRAs from the Bankruptcy Law
- L.D. 974 An Act To Amend the Guidelines Used To Determine Child Support Payments

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. 286

**MAINE STATE LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE  
AUGUSTA, MAINE 04333**

May 5, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 48 An Act To Ensure the Safe and Timely Retrieval of Wounded Bear
- L.D. 137 An Act To Prohibit a Landowner from Charging a Fee for Bear Baiting
- L.D. 314 An Act To Prohibit Bear Baiting
- L.D. 364 An Act To Prohibit Personal Watercraft on Rocky Pond in the Town of Orland
- L.D. 427 An Act To Increase the Maximum Number of Days of the Muzzle-loading Hunting Season
- L.D. 516 An Act To Prohibit Bear Baiting within 100 Yards of an Adjoining Property
- L.D. 628 An Act To Amend the Bear Hunting Laws
- L.D. 1093 An Act To Promote Public Safety by Banning the Feeding of Bears in the Wild

L.D. 1153 An Act To Establish a Muzzle-loading Shotgun Season on Deer

L.D. 1176 An Act Regarding Duties of Hunters Who Participate in the Expanded Archery Deer Hunting Season

L.D. 1319 An Act To Ban the Use of Traps and Dogs in Bear Hunting

L.D. 1460 An Act To Ban Bear Hunting with Traps except To Protect the Public

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

Sincerely,

S/Sen. Bruce Bryant  
Senate Chair

S/Rep. Thomas R. Watson  
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. 287

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

May 9, 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 bills out "Ought Not to Pass":

L.D. 582 An Act To Change the Effect of Local Ordinances on the State

L.D. 880 An Act To Prohibit Municipal Landfill Dumping

We have also notified the sponsors and cosponsors of each bill listed 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**.

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Senate at Ease.

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

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Off Record Remarks

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

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

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

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On motion by Senator **DAVIS** of Piscataquis,  
**RECESSED** until 11:15 in the morning.

After Recess

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

---

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Protect Maine Citizens from Identity Theft"  
H.P. 1180 L.D. 1671

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

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**House Paper**

**Pursuant to Statute  
Commission on Governmental Ethics and Election Practices**

The **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)  
H.P. 1181 L.D. 1672

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

---

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Student Code of Conduct"  
H.P. 419 L.D. 564

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333)**.

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

**READ ONCE.**

Committee Amendment "A" (H-333) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Fund Youth Mentoring Programs"  
H.P. 689 L.D. 979

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-332)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332)**.

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

**READ ONCE.**

Committee Amendment "A" (H-332) **READ** and **ADOPTED**, in concurrence.

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

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Expand the Maine Economic Improvement Fund"

H.P. 38 L.D. 42

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-281)** (8 members)

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

Tabled - May 12, 2005, by Senator **ROTUNDO** of Androscoggin

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

(In House, May 11, 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-281)**.)

(In Senate, May 12, 2005, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-281) **READ** and **ADOPTED**, in concurrence.

**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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Limit In-kind Contributions to Maine Clean Election Act Candidates"  
H.P. 606 L.D. 855

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-312)** (4 members)

Tabled - May 12, 2005, by Senator **GAGNON** of Kennebec

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

(In House, May 11, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 12, 2005, Reports **READ**.)

On motion by Senator **GAGNON** of Kennebec, 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 **TAXATION** on Bill "An Act To Require That Property Tax Bills Specifically Note the Amount of Land Being Taxed"

H.P. 862 L.D. 1244

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-302)** (10 members)

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

Tabled - May 12, 2005, by Senator **GAGNON** of Kennebec

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

(In House, May 11, 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-302)**.)

(In Senate, May 12, 2005, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

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

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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 Stimulate Economic Development in Maine's Aviation Industry"

H.P. 727 L.D. 1074

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-298)** (6 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-299)** (6 members)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - May 12, 2005, by Senator **GAGNON** of Kennebec

Pending - motion by Senator **PERRY** of Penobscot to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**, in concurrence

(In House, May 11, 2005, Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)**.)

(In Senate, May 12, 2005, Reports **READ**.)

On motion by Senator **PERRY** of Penobscot, Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)** **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "B" (H-299) **READ** and **ADOPTED**, in concurrence.

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

---

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Hospital Tax" S.P. 224 L.D. 687

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-164)** (5 members)

Tabled - May 12, 2005, by Senator **GAGNON** of Kennebec

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

(In Senate, May 12, 2005, Reports **READ**.)

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

Senator **ROSEN:** Thank you, Mr. President and members of the Senate. I hope you will take a moment to consider the bill that is before you and reject the majority Ought Not to Pass motion that has been made and go on to adopt the bill. Just to tell you a little bit about it. It's a very simple and straightforward proposal. This bill deals with the well-known hospital tax that is now assessed on all hospitals in the State of Maine. The hospital tax in Maine has a long and very painful history. Many of you recall in the early 1990's the legislature imposed a tax that was referred to as the 'sick tax' on Maine's hospitals as a mechanism to draw down additional Medicaid funds. Two years ago, the controlling authority in state government imposed a tax on the net revenues of Maine's hospitals. At that time two years ago, the tax level was imposed was .74% of that revenue. One year later, last year, that rate was tripled from .74% to 2.23%. The bill that is before you would roll that rate back to the .74% that was originally adopted.

You may have heard that the imposition of the hospital tax has had a neutral impact on Maine's hospitals. That, in fact, is not the case. The impact of the hospital tax on Maine's hospitals has had a negative impact on many of them depending on the percent of their Medicaid population, Medicaid clientele, and Medicaid patient load. That continues to be the problem. It was a problem when the original order was imposed and it is now exacerbated with the tripling of the rate this last year.

I won't get into the debate at this point around the merits of whether we should, in fact, be taking this route of imposing an artificial tax on Maine's hospitals simply to draw down more federal Medicaid match because I think we'll have an opportunity to have that discussion later. If you are uncomfortable with the tripling of that rate and the negative impact on the hospitals that have carried that load, particularly those hospitals that have a low percent of Medicaid clientele, then I ask you to support this

measure and roll back this rate to the original rate that was imposed two years ago. Thank you.

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

Senator **MAYO:** Thank you, Mr. President, ladies and gentlemen of the Senate. I rise to urge your support of the motion before us that is to accept the Ought Not to Pass report. At least one item that the good Senator from Hancock, Senator Rosen, did not mention is the impact that this will have on the biennial budget, which has been approved. We're talking about an amount slightly in excess of \$100 million, and in fiscal 2007 will be another \$100 million plus. We're talking in excess of \$200 million fiscal impact on the budget that has been approved and these figures have been included in. Yes, it does deal with the federal match, but that has been booked in the budget on a two-for-one basis. Yes, the good Senator from Hancock, Senator Rosen, is correct that there are some hospitals that are at a disadvantage with regard to the repayment on this tax and there are some that come out ahead. Those that come out behind, the Health and Human Services Committee has discussed legislation, and there is legislation going forward, to make some corrections so that the one hospital, which happens to be in York County and has been the most seriously hurt, to help square that item away and to be helpful to that particular entity. To remove more than \$200 million from the budget with no suggests as to where or how this could be made up I find quite irresponsible. I would, therefore, hope that the members of this body would agree with the recommendation of the majority of the Health and Human Services Committee. Thank you.

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

Senator **ANDREWS:** Thank you, Mr. President and fellow members of the Senate. I would like to talk about the tax and match and I would like to talk about York Hospital. As most of you are probably aware, in my other profession I am a nurse. I spent my whole career at York Hospital. I like to think and brag that York Hospital made me what I think is a good nurse. I served the town of York my whole career, almost 50 years at York Hospital.

Let's talk about tax and match. This past year York Hospital paid in \$1.4 million on the tax and match. They are out money that they will not get back, \$1.1 million. They will not get this money back. We're supposed to be trying to promote business. Do you think that York Hospital can continue to survive with a loss of \$1 million a year? We are not a large hospital. We are a small community hospital. This is having a very adverse impact on our community. It could mean giving up services that we provide to the community. We do provide a lot of services to the community.

The good Senator who chairs the Health and Human Services Committee said there is a bill to try to help York Hospital. What this does is just asks people in the Department of Health and Human Services to take a look at this. As an emergency room nurse, I was always taught, when I tried to train the emergency room nurses under me, if it isn't written, it isn't done. We have no guarantee that there is going to be a reprieve for York Hospital. York Hospital is affected more than other hospital in the state. \$1.1 million and it's going to climb next year. There are other hospitals that are suffering also, none to the

detriment of York. How long do you think these small hospitals, even in rural areas up north, can continue to take this kind of beating? I would ask you to vote against the pending motion and go with the minority report. Thank you.

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

Senator **DOW:** Thank you, Mr. President, ladies and gentlemen of the Senate. Normally on this subject I'd take off in two areas and I'm not going to spend too much time on the first area, but I think that the hospital tax, as it's been presented to the State of Maine, simply is an Enron-type bookkeeping system to draw down federal money and sometime I think they are going to put a stop to it. We were in this scheme once before and bailed out of it around the year 1994. My major objection to this tax is that the two hospitals that I have in my county were told that if they put up this tax money, they would get it back. I had the sense that if the hospitals presented with a nice big shiny apple, they were going to get a nice big shiny apple back in the match. All they got back was an apple core. While they are not out \$1.1 million, Miles Memorial, the last time I spoke to them, were out \$300,000 short and St. Andrews in Boothbay was also short. This is why I think we need to go back to the drawing board and come up with another scheme. This is an important issue, healthcare, and I think that if we want to raise monies that this discussion should go back into the public and if it's a worthy cause, which I think it is, the public will respond by putting up the money and we will through the General Fund and realigning some of our priorities. That is where I wish we would get the money. It's detrimental to my two hospitals. I had communications from the hospital in York and in Caribou. I know that my two are not the only ones that in jeopardy. Thank you.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **MAYO** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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The Chair laid before the Senate the following Tabled and Later (3/30/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Amend the Law Regarding Resale Certificates" H.P. 120 L.D. 169

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-78)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-79)** (1 member)

Tabled - March 30, 2005, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 29, 2005, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78).**)

(In Senate, March 30, 2005, Reports **READ.**)

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-78) **READ.**

On motion by Senator **COURTNEY** of York, Senate Amendment "B" (S-122) to Committee Amendment "A" (H-78) **READ.**

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

Senator **COURTNEY:** Thank you, Mr. President, men and women of the Senate. This is a friendly amendment to this bill regarding the resale certificates. As you know, with this bill the law will change and all this amendment will do is make any subsequent renewal to the resale certificate for 5 years rather than the 3-year period. Hopefully, it will make it so our phones don't ring quite as much during the summer months. Thank you, Mr. President.

On further motion by same Senator, Senate Amendment "B" (S-122) to Committee Amendment "A" (H-78) **ADOPTED.**

Committee Amendment "A" (H-78) as Amended by Senate Amendment "B" (S-122) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

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The Chair laid before the Senate the following Tabled and Later (4/26/05) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Ensure Equity in Appeals of Workers' Compensation Cases"

S.P. 287 L.D. 879

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-92)** (5 members)

Tabled - April 26, 2005, by Senator **STRIMLING** of Cumberland

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

(In Senate, April 26, 2005, Reports **READ.**)

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

Senator **WESTON:** Thank you, Mr. President and men and women of the Senate. I just want to speak to this just briefly. This bill was certainly not perfect, but I just want to highlight the problem it was trying to solve. When we have small employers, and that is most of our employers in Maine, and we have a situation where they have an employee who brings to them a Workers' Comp claim that goes to hearing, if the employer loses and the hearing officer rules for the employee, even sometimes in situations that an employer strongly disagrees or cannot understand why it would be this type of ruling, the employee gets the payment not only for the hospital bills, or whatever is necessary for medical situations, but also in some cases, if it's for back pay, they get that payment. The employer can certainly appeal, but most of the time when they appeal, and even if they win the appeal, they employee has already spent the money and is not required to repay the employer. This was a situation that came up in my district. We wanted to try to correct that problem. We brought this bill forward. Lots of people testified that it was, indeed, probably an issue and that this bill probably wasn't the best way to address it, but there should be a way that we, in the legislature, can find a more equitable way.

I'm going to just relate why my constituent was so surprised at the hearing officer's ruling. He had an employee who had a back injury while lifting something. The employee was given medical care and was away from work for a period of months. He was okayed by the doctor to resume work and actually resume the work that he was doing. He found it difficult. The employer offered him one, two, three, and four other positions. He refused every one of them and then one day just simply said, 'I'm done, I just don't want to do these jobs' and left. The employer didn't see him for two years. Two years later, this employee shows up saying he has a claim for back pay for Workers' Compensation. The employer, pretty confident that he had everything documented and had proof that this employee actually had been working some during this two-year period, subsequently lost in the hearing. You can see why he would think this was very unfair, that he had to pay two-years back pay to an employee who had left on his own. He felt it was somewhat unfair that this was going to have to be paid even though he was appealing.

I am going to ask for a roll call, Mr. President, because I think I want this to just highlight the fact that this is something we do need to actually adjust and hopefully improve.

Same Senator requested a Roll Call.

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

Senator **STRIMLING:** Thank you, Mr. President. I very much appreciate the words of my colleague from Waldo County and the case that your employer went through. I'm sure there are lots of stories out there, one way or the other. The basic concept here is that one is innocent until proven guilty in these cases. We want to make sure that we get these payments. An employee would already have to wait 13 to 14 months before they may get their award in the beginning. If they win that award they should be receiving their payments immediately. Upon appeal, as usually happens, if they lose at that stage then you deal with it at that

stage. To try to take away what somebody has won just because somebody has appealed, when that is the money that they use to pay their rent and feed their families and get their basic needs met, I think is an undue burden. The Workers' Comp Board voted against this bill. That's why I think you can see the strong vote out of committee to reject.

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 PRO TEM:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling 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 (#114)**

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COURTNEY, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT PRO TEM - JOHN L. MARTIN

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

ABSENT: Senator: EDMONDS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/9/05) Assigned matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Health Insurance Coverage for Employees of Small Businesses" H.P. 87 L.D. 111

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-213)** (3 members)

Tabled - May 9, 2005, by Senator **SULLIVAN** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 5, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 9, 2005, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (5/9/05) Assigned matter:

HOUSE REPORTS -from the Committee on **TRANSPORTATION** on Bill "An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds"

H.P. 123 L.D. 172

Report "**A**" - **Ought Not to Pass** (9 members)

Report "**B**" - **Ought to Pass** (3 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "A" (H-221)** (1 member)

Tabled - May 9, 2005, by Senator **STRIMLING** of Cumberland

Pending - motion by Senator **DIAMOND** of Cumberland to **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in concurrence (Roll Call Ordered)

(In House, May 5, 2005, Report "**A**", **OUGHT NOT TO PASS** **READ** and **ACCEPTED**.)

(In Senate, May 9, 2005, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#115)**

YEAS: Senators: BARTLETT, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - JOHN L. MARTIN

NAYS: Senators: ANDREWS, BRENNAN, ROTUNDO, STRIMLING

ABSENT: Senator: EDMONDS

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (5/10/05) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County

H.P. 325 L.D. 440

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-151)** (5 members)

Tabled - May 10, 2005, by Senator **SCHNEIDER** of Penobscot

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

(In House, May 9, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**.)

(In Senate, May 10, 2005, Reports **READ**.)

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

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

Senator **DAMON:** Thank you, Mr. President, men and women of the Senate. For some time I have personally supported this concept, the concept that is very similar to the federal legislative governance, and would support it now but for the fact that I understand it's unconstitutional here in Maine. It seems to me that this vote is not only unnecessary but unwarranted until such time as we were to have a motion before us to change the Constitution. So I will just tell you that I will be supporting the majority Ought Not to Pass motion. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you, Mr. President. May I ask a question through the Chair?

**THE PRESIDENT PRO TEM:** The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Mr. President. Is this not titled 'A Resolution to Amend the Constitution of the State of Maine' and would this amendment actually accomplish the purpose of changing the Constitution, therefore making it not unconstitutional?

**THE PRESIDENT PRO TEM:** The Senator from Penobscot, Senator Plowman 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, Mr. President. In attempting to answer the question, I think the Senator from Hancock, Senator Damon, was referring to the U.S. Constitution. It is a problem with the U.S. Constitution.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. This bill is not a stranger to us. It's been here, I believe, every term that I've been here, which is more than any of the others, consecutively that is. I don't think there is anything in the U.S. Constitution that prohibits this. What has prohibited this is a law court decision by the U.S. Supreme Court in 1963. I looked for my notes that other day and I couldn't find them, but I think it was Ronalds vs. Sims. I would point out that in my thought, this law court is wrong and that a good challenge would be good and I would like to see it challenged. As with Dred Scott and a number of other opinions that have been overturned, it would be a good thing. Thank you very much, Mr. President.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider 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 (#116)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, COURTNEY, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT PRO TEM - JOHN L. MARTIN

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

ABSENT: Senator: EDMONDS

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/10/05) Assigned matter:

An Act To Improve Security at State Courthouses  
H.P. 696 L.D. 1012  
(C "A" H-173)

Tabled - May 10, 2005, by Senator **DOW** of Lincoln

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**, in concurrence.)

(In House, May 9, 2005, **PASSED TO BE ENACTED**.)

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

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The Chair laid before the Senate the following Tabled and Later (5/10/05) Assigned matter:

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"  
H.P. 218 L.D. 293

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-243)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-244)** (4 members)

Tabled - May 10, 2005, by Senator **BRENNAN** of Cumberland

Pending - motion by Senator **COWGER** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** Report, in concurrence

(In House, May 10, 2005, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)**.)

(In Senate, May 10, 2005, Reports **READ**.)

On motion by Senator **COWGER** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-243) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/11/05) Assigned matter:

An Act To Protect Motherhood  
S.P. 292 L.D. 884  
(C "A" S-139)

Tabled - May 11, 2005, by Senator **WESTON** of Waldo

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-139)**.)

(In House, May 10, 2005, **PASSED TO BE ENACTED**.)

Senator **WESTON** of Waldo requested a Roll Call.

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

Senator **PLOWMAN:** Thank you, Mr. President, men and women of the Senate. I rise to address the enactment of this bill. While I applaud the intent of the bill, which is to acknowledge that a woman who is pregnant is in a different situation than most other people in that she's, in some cases, more likely to be in danger only because she's pregnant. Her lover or her husband may find this is a good time to punish her in a very effective way and that is to cause the loss of her child. This bill does not go far enough for me, though. I'm disappointed again. It directs the court to put more weight on the fact that the woman was pregnant but it treats pregnancy as another medical condition. It does not recognize the fact that there are two victims. When the beating results in the death of the child, there are two victims. There are a lot of people who don't want to recognize that this is a child. I'm always amazed by that. We have a WIC program. We have federal food stamps. We have MaineCare that a woman is eligible for the minute she becomes pregnant. We have housing assistance. We have major investments by the taxpayers in getting rid of birth defects. We have life affirming policies. We actually take babies away from women and prosecute them because their children are born addicted to substances. We recognize an incredible investment in the child that is carried by a woman. Yet we refuse to recognize that, when a woman's choice is taken from her in a brutal and violent act, heinous act, there has been another victim. What we call it an elevated aggravated offence.

This bill takes into account the pregnancy, but it doesn't take into account that death. It wouldn't be right for me not to stand and say to you that the woman who has lost her baby doesn't think of this as her fetus. She lost a baby. When we pass this, it will say, 'You were beaten up because you were pregnant,' but it does not account for a woman's real loss and it does not account for the fact the right to chose, which we defend so heartily across this nation, has been stolen without recourse from a woman who was guaranteed that right. I'm sorry that this bill does not address that and I will be voting 'no' because it doesn't. Thank you.

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

**THE PRESIDENT PRO TEM:** The pending question before the Senate is Enactment. 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 (#117)**

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK

NAYS: Senators: ANDREWS, COURTNEY, DAVIS, PLOWMAN, SNOWE-MELLO, THE PRESIDENT PRO TEM - JOHN L. MARTIN

ABSENT: Senator: EDMONDS

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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Senate at Ease.

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

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Monday, May 16, 2005, at 10:00 in the morning.