

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

In Senate Chamber
Tuesday
May 23, 2006

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

Prayer by Senator Mary Black Andrews of York County.

SENATOR ANDREWS: For brotherhood, Father, You have made us red, yellow, brown, white, and black; tall and short; fat and thin; rich and poor; young and old. All are Your children. Teach us to cooperate rather than to compete; to respect rather than revile; to forgive rather than condemn. Your Son turned from no one. May we learn like him to be open to the share of the divine that You have implanted in each of your sons and daughters. May we forge a bond of love that will make a living reality the brotherhood to which we profess to believe. Amen.

SENATOR ANDREWS: A year ago I talked to you about the meaning of the folding of the flag. You have on your desk a very special interpretation of the Pledge of Allegiance. I'll go through it and then we'll say it together. Red Skelton did this on January 14, 1969. This has been read into the Congressional record. A teacher gave this to him.

'I - me, an individual, a committee of one.
Pledge - dedicate all of my worldly goods to give without self pity.
Allegiance - my love and my devotion.
To the flag - our standard, Old Glory, a symbol of freedom.
Wherever she waves, there's respect because your loyalty has given her a dignity that shouts freedom is everybody's job.
Of the United - that means that we have all come together.
States of America - individual communities that have united into 48 great states. Forty-eight, now fifty, individual communities with pride and dignity and purpose; all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.
And to the republic - a state in which sovereign power is invested in representatives chosen by the people to govern and government is the people and it's from the people to the leaders, not from the leaders to the people.
For which it stands,
one nation - meaning so blessed by God.
Under God,
Indivisible - incapable of being divided.
With liberty - which is freedom, the right of power to live one's own life without threats, fear, or some sort of retaliation.
And justice - the principle or quality of dealing fairly with others.
For all - which means, boys and girls, it's as much your country as it is mine.'

As we say this Pledge of Allegiance, think of these meanings of the words.

Pledge of Allegiance led by Senator Mary Black Andrews of York County.

Reading of the Journal of Monday, May 22, 2006.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Relating to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order"
H.P. 1507 L.D. 2118

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

READ ONCE, without reference to a Committee.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

HELD MATTER

Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"
H.P. 1483 L.D. 2091
(H "A" H-1065 to
C "A" H-1026)

(In House, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026) AS AMENDED BY HOUSE AMENDMENT "A" (H-1065)** thereto, in **NON-CONCURRENCE**.)

(In Senate, May 22, 2006, on motion by Senator **BARTLETT** of Cumberland, **RECEDED** and **CONCURRED**.)

Senator **HOBBINS** of York moved the Senate **RECONSIDER** whereby it **RECEDED** and **CONCURRED**.

On motion by Senator **BROMLEY** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **HOBBINS** of York to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

The Chair noted the absence of the Senator from Cumberland, Senator **TURNER** and further excused the same Senator from today's Roll Call votes.

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

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

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 12:00 in the afternoon.

After Recess

Senate called to order by the President.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/22/06) Assigned matter:

Bill "An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure"

H.P. 1471 L.D. 2080

Tabled - May 22, 2006, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **ROTUNDO** of Androscoggin to **ADOPT SENATE AMENDMENT "A" (S-675) TO COMMITTEE AMENDMENT "A" (H-1018)**

(In House, April 27, 2006, **PASSED TO BE ENACTED.**)

(In Senate, May 22, 2006, on motion by Senator **ROTUNDO** of Androscoggin, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018)**, in concurrence. On further motion by same Senator, **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (H-1018). On further motion by same Senator, Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1018) **READ.**)

Senator **ROTUNDO** of Androscoggin requested and received leave of the Senate to withdraw Senate Amendment "A" (S-675) to Committee Amendment "A" (H-1018).

Committee Amendment "A" (H-1018) **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018), in concurrence.

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

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

Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"

H.P. 1483 L.D. 2091
(H "A" H-1065 to
C "A" H-1026)

Tabled - May 23, 2006, by Senator **BROMLEY** of Cumberland

Pending - motion by Senator **HOBBINS** of York to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**

(In House, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026) AS AMENDED BY HOUSE AMENDMENT "A" (H-1065)** thereto, in **NON-CONCURRENCE.**)

(In Senate, May 22, 2006, on motion by Senator **BARTLETT** of Cumberland, **RECEDED** and **CONCURRED.**)

On motion by Senator **HOBBINS** of York, the Senate **RECONSIDERED** whereby it **RECEDED** and **CONCURRED**.

(In Senate, April 26, 2006, Report **READ**.)

Report **ACCEPTED**.

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

READ ONCE.

Committee Amendment "A" (S-619) **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **BARTLETT:** Thank you, Madame President. As you recall, this is the bill dealing with the Pine Tree Zone for the mill site in Westbrook. I just wanted to emphasize that this is limited to the mill site. This is designed to, just like a lot of the Pine Tree Zones around, to help facilitate growth to replace particular types of jobs that were lost.

ROLL CALL (#490)

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

YEAS: Senators: ANDREWS, BROMLEY, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, MAYO, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, SULLIVAN, WESTON, WOODCOCK

The Doorkeepers secured the Chamber.

NAYS: Senators: BARTLETT, BRENNAN, BRYANT, GAGNON, HOBBINS, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

The Secretary opened the vote.

EXCUSED: Senator: TURNER

ROLL CALL (#489)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, CLUKEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBINS, MARTIN, MAYO, MITCHELL, PERRY, ROTUNDO, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, Committee Amendment "A" (S-619) **ADOPTED**.

NAYS: Senators: ANDREWS, BROMLEY, COURTNEY, DAVIS, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, WESTON, WOODCOCK

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

EXCUSED: Senator: TURNER

Ordered sent down forthwith for concurrence.

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, on motion by Senator **BARTLETT** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/26/06) Assigned matter:

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

SENATE REPORT - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Preferences in Bidding on Maine State Housing Authority Contracts"

S.P. 742 L.D. 1943

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

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-619)**

On motion by Senator **BRENNAN** of Cumberland, **RECEDED** until 3:30 in the afternoon.

Tabled - April 26, 2006, by Senator **GAGNON** of Kennebec

After Recess

Pending - **ACCEPTANCE OF REPORT**

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Boundaries between the City of Saco and The Town of Old Orchard Beach

S.P. 861 L.D. 2115

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

Emergency Measure

An Act To Amend the Charter of the Starboard Water District
S.P. 862 L.D. 2117

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

SECOND READERS

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

House

Bill "An Act Relating to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order"
H.P. 1507 L.D. 2118

READ A SECOND TIME.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "A" (S-695) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-695), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 684

**STATE OF MAINE
DEPARTMENT OF AUDIT
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066**

May 19, 2006

Senator Beth Edmonds
President of the Senate

Representative John Richardson
Speaker of the House of Representatives

The Honorable John E. Baldacci
Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2005. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$2.6 billion in federal financial assistance. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements and Notes to the Financial Statements
- Management's Discussion and Analysis
- Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
- Report on Compliance with Requirements Applicable to each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Summary Schedule of Prior Audit Findings
- Corrective Action Plan

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2005 Single Audit of the State of Maine.

Respectfully submitted,

S/Neria R. Douglass, JD, CIA
State Auditor

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

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

ENACTORS

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

Act

An Act To Establish the Hospital and Health Care Provider Cooperation Act

S.P. 852 L.D. 2110
(C "A" S-654)

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

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

ENACTORS

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

Emergency Measure

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

H.P. 1382 L.D. 1974
(H "A" H-1053;
H "B" H-1054 to
C "B" H-1037)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve Mandate

Resolve, Directing the Cumberland County Commissioners To Establish a Task Force To Establish New County Commissioner Districts

H.P. 1236 L.D. 1728
(S "A" S-639 to C "A" H-840)

In House, April 28, 2006, **FAILED FINAL PASSAGE**.

In Senate, April 29, 2006, **FINALLY PASSED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840) AS AMENDED BY HOUSE AMENDMENT "B" (H-1107)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ORDERS OF THE DAY

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

Resolve

Resolve, To Facilitate Implementation of the Sports Done Right Program

S.P. 26 L.D. 84
(C "A" S-438)

Tabled - February 16, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, February 1, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)**.)

(In House, February 14, 2006, **FINALLY PASSED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-438).

On further motion by same Senator, Senate Amendment "A" (S-677) to Committee Amendment "A" (S-438) **READ** and **ADOPTED.**

Committee Amendment "A" (S-438) as Amended by Senate Amendment "A" (S-677) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AS AMENDED BY SENATE AMENDMENT "A" (S-677) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly

H.P. 131 L.D. 180
(C "A" H-206)

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206)**, in concurrence.)

(In House, May 16, 2005, **PASSED TO BE ENACTED.**)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-206), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-678) to Committee Amendment "A" (H-206) **READ** and **ADOPTED.**

Committee Amendment "A" (H-206) as Amended by Senate Amendment "A" (S-678) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206) AS AMENDED BY SENATE AMENDMENT "A" (S-678) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

S.P. 81 L.D. 228

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2005, **PASSED TO BE ENGROSSED.**)

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

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

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

On further motion by same Senator, Senate Amendment "A" (S-679) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-679), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor

H.P. 187 L.D. 248

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED**, in concurrence.)

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

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

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

On further motion by same Senator, Senate Amendment "A" (S-680) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-680), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Create the Maine Asthma and Lung Disease Research Fund

S.P. 312 L.D. 904
(C "A" S-294)

Tabled - June 13, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294)**.)

(In House, June 6, 2005, **PASSED TO BE ENACTED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-294).

On further motion by same Senator, Senate Amendment "A" (S-681) to Committee Amendment "A" (S-294) **READ** and **ADOPTED**.

Committee Amendment "A" (S-294) as Amended by Senate Amendment "A" (S-681) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294) AS AMENDED BY SENATE AMENDMENT "A" (S-681) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Fund Youth Mentoring Programs
H.P. 689 L.D. 979
(C "A" H-332)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332)**, in concurrence.)

(In House, May 18, 2005, **PASSED TO BE ENACTED**.)

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

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

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

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-682) AND COMMITTEE AMENDMENT "A" (H-332), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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

An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources
H.P. 852 L.D. 1234
(C "A" H-218)

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**, in concurrence.)

(In House, May 16, 2005, **PASSED TO BE ENACTED.**)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-218), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-683) to Committee Amendment "A" (H-218) **READ** and **ADOPTED.**

Committee Amendment "A" (H-218) as Amended by Senate Amendment "A" (S-683) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AS AMENDED BY SENATE AMENDMENT "A" (S-683) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Increase Funding for Meals on Wheels Program
H.P. 931 L.D. 1348
(C "A" H-279)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**, in concurrence.)

(In House, May 17, 2005, **PASSED TO BE ENACTED.**)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-279), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-684) to Committee Amendment "A" (H-279) **READ** and **ADOPTED.**

Committee Amendment "A" (H-279) as Amended by Senate Amendment "A" (S-684) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279) AS AMENDED BY SENATE AMENDMENT "A" (S-684) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Exempt Trail-grooming Equipment from the Personal Property Tax
S.P. 716 L.D. 1799
(C "A" S-452)

Tabled - March 9, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, February 16, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452).**)

(In House, March 7, 2006, **PASSED TO BE ENACTED.**)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-452).

On further motion by same Senator, Senate Amendment "A" (S-685) to Committee Amendment "A" (S-452) **READ** and **ADOPTED.**

Committee Amendment "A" (S-452) as Amended by Senate Amendment "A" (S-685) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENT "A" (S-685) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Resolve

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta

H.P. 1311 L.D. 1871
(S "A" S-576)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-576)**.)

(In House, April 14, 2006, **PASSED TO BE ENACTED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-576).

On further motion by same Senator, Senate Amendment "A" (S-686) to Senate Amendment "A" (S-576) **READ** and **ADOPTED**.

Senate Amendment "A" (S-576) as Amended by Senate Amendment "A" (S-686) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-576) AS AMENDED BY SENATE AMENDMENT "A" (S-686) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Increase Wheelchair Van Services Reimbursement Rates

H.P. 1355 L.D. 1914
(C "A" H-871)

Tabled - April 3, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871)**, in concurrence.)

(In House, March 31, 2006, **PASSED TO BE ENACTED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-871), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-687) to Committee Amendment "A" (H-871) **READ** and **ADOPTED**.

Committee Amendment "A" (H-871) as Amended by Senate Amendment "A" (S-687) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871) AS AMENDED BY SENATE AMENDMENT "A" (S-687) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Resolve

Resolve, To Collect Information about Employer-based Health Coverage

S.P. 727 L.D. 1927
(S "A" S-604 to C "A" S-580)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-580) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto.)
(In House, April 26, 2006, **FINALLY PASSED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-580) as Amended.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-604) to Committee Amendment "A" (S-580) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-688) to Committee Amendment "A" (S-580) **READ** and **ADOPTED**.

Committee Amendment "A" (S-580) as Amended by Senate Amendment "B" (S-688) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-580) AS AMENDED BY SENATE AMENDMENT "B" (S-688) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events
H.P. 1376 L.D. 1964
(C "A" H-788)

Tabled - March 21, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 14, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788)**, in concurrence.)

(In House, March 16, 2006, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-689) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788) AND SENATE AMENDMENT "A" (S-689), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Allow a Second Opportunity for Retired Teachers To Elect To Rejoin the Teacher Group Accident and Sickness and Health Insurance Plan

H.P. 1484 L.D. 2092
(C "A" H-986)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)**, in concurrence.)

(In House, April 14, 2006, **PASSED TO BE ENACTED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-986), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-690) to Committee Amendment "A" (H-986) **READ** and **ADOPTED**.

Committee Amendment "A" (H-986) as Amended by Senate Amendment "A" (S-690) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986) AS AMENDED BY SENATE AMENDMENT "A" (S-690) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Appropriate Matching Funds for the Construction of a Community Center in Oxford Hills

H.P. 405 L.D. 550
(C "A" H-1079)

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079)**, in concurrence.)

(In House, April 28, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel

H.P. 702 L.D. 1018
(C "A" H-472)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**, in concurrence.)

(In House, June 2, 2005, **PASSED TO BE ENACTED**.)

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

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

An Act To Clarify the Laws Governing Agricultural Composting Operations

S.P. 381 L.D. 1064
(C "B" S-563)

Tabled - April 13, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-563)**.)

(In House, April 12, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act To Increase Funding for the Intergovernmental Advisory Commission

H.P. 1221 L.D. 1714
(C "A" H-769)

Tabled - March 14, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**, in concurrence.)

(In House, March 14, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age

H.P. 1224 L.D. 1717
(C "C" H-1058)

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-1058)**, in concurrence.)

(In House, April 28, 2006, **PASSED TO BE ENACTED.**)

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

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

An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child

H.P. 1225 L.D. 1718
(H "A" H-826 to C "A" H-766)

Tabled - March 27, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 21, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766) AS AMENDED BY HOUSE AMENDMENT "A" (H-826)** thereto, in concurrence.)

(In House, March 23, 2006, **PASSED TO BE ENACTED.**)

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

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

An Act To Make Technical Changes to the Gambling Laws
S.P. 665 L.D. 1748
(C "A" S-488)

Tabled - March 27, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488).**)

(In House, March 23, 2006, **PASSED TO BE ENACTED.**)

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

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

An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations
S.P. 666 L.D. 1749
(C "A" S-530)

Tabled - April 7, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-530).**)

(In House, April 6, 2006, **PASSED TO BE ENACTED.**)

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

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

Emergency

An Act Regarding Continuing Improvements in the MaineCare Program

S.P. 674 L.D. 1757
(C "A" S-547)

Tabled - April 11, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-547).**)

(In House, April 10, 2006, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act Authorizing the Deorganization of Drew Plantation
S.P. 679 L.D. 1762
(C "A" S-511)

Tabled - April 11, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511).**)

(In House, April 10, 2006, **PASSED TO BE ENACTED.**)

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

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

Emergency

An Act To Improve Early Childhood Special Education
S.P. 689 L.D. 1772
(C "A" S-585)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-585).**)

(In House, April 26, 2006, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 4 Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Amend the Crime of Aggravated Criminal Mischief
S.P. 706 L.D. 1789
(C "A" S-504)

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504)**, in concurrence.)

(In House, April 28, 2006, **PASSED TO BE ENACTED.**)

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

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

An Act To Amend the Fees for Probate Filings
S.P. 717 L.D. 1800
(C "A" S-617)

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**, in concurrence.)

(In House, April 27, 2006, **PASSED TO BE ENACTED.**)

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

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

An Act To Amend the Law Governing DNA Testing
H.P. 1348 L.D. 1907
(C "A" H-994)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-994)**, in concurrence.)

(In House, April 26, 2006, **PASSED TO BE ENACTED.**)

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

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

Constitutional Amendment

RESOLUTION, Amending the Constitution of Maine To Lower the Age of Eligibility for Election to the House of Representatives
H.P. 1353 L.D. 1912
(C "A" H-809)

Tabled - March 29, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809)**, in concurrence.)

(In House, March 28, 2006, **FAILED FINAL PASSAGE**.)

This being an Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 15 Members of the Senate, with 16 Senator having voted in the negative, and 15 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in concurrence.

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

An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station
H.P. 1369 L.D. 1955
(C "A" H-980)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980)**, in concurrence.)

(In House, April 14, 2006, **PASSED TO BE ENACTED**.)

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

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

Emergency Resolve

Resolve, Regarding a Monument for Women Veterans of Maine
S.P. 776 L.D. 2013

Tabled - March 21, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 9, 2006, **PASSED TO BE ENGROSSED**.)

(In House, March 16, 2006, **FINALLY PASSED**.)

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

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

Emergency

An Act To Extend the Corrections Alternatives Advisory Committee

H.P. 1416 L.D. 2016
(C "A" H-859)

Tabled - March 31, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-859)**, in concurrence.)

(In House, March 30, 2006, **PASSED TO BE ENACTED**.)

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Procedures for the People's Veto and Direct Initiative

S.P. 782 L.D. 2033
(H "A" H-895; S "A" S-544
to C "A" S-513)

Tabled - April 10, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 5, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513) AS AMENDED BY HOUSE AMENDMENT "A" (H-895) AND SENATE AMENDMENT "A" (S-544)** thereto.)

(In House, April 6, 2006, **FINALLY PASSED**.)

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Secretary of State.

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

An Act To Enhance Maine's Energy Independence and Security
H.P. 1439 L.D. 2041
(S "A" S-628 to
C "A" H-1024)

Tabled - April 27, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1024) AS AMENDED BY SENATE AMENDMENT "A" (S-628)** thereto.)

(In House, April 27, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act To Issue Certificates of Title for Single-unit Mobile Homes
H.P. 1457 L.D. 2061
(C "A" H-1038)

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1038)**, in concurrence.)

(In House, April 27, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board

H.P. 1472 L.D. 2081

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 28, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services
S.P. 818 L.D. 2086
(C "A" S-583)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-583)**.)

(In House, April 14, 2006, **PASSED TO BE ENACTED**.)

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

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

An Act To Provide Funds for the Preservation of Digital Records
S.P. 360 L.D. 1043

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 2005, **PASSED TO BE ENGROSSED**.)

(In House, May 16, 2005, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-691) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-691), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Maine Wind Energy Act
S.P. 477 L.D. 1379
(S "A" S-365)

Tabled - June 16, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365)**.)

(In House, June 15, 2005, **PASSED TO BE ENACTED**.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-365).

On further motion by same Senator, Senate Amendment "A" (S-696) to Senate Amendment "A" (S-365) **READ** and **ADOPTED**.

Senate Amendment "A" (S-365) as Amended by Senate Amendment "A" (S-696) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365) AS AMENDED BY SENATE AMENDMENT "A" (S-696) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force
S.P. 743 L.D. 1944
(C "A" S-597)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597)**.)

(In House, April 26, 2006, **PASSED TO BE ENACTED**.)
On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-597).

On further motion by same Senator, Senate Amendment "A" (S-692) to Committee Amendment "A" (S-597) **READ** and **ADOPTED**.

Committee Amendment "A" (S-597) as Amended by Senate Amendment "A" (S-692) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENT "A" (S-692) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report
S.P. 744 L.D. 1946

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED**.)

(In House, April 28, 2006, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-693) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-693), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce

S.P. 746 L.D. 1948
(C "A" S-637)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637).**)

(In House, April 28, 2006, **PASSED TO BE ENACTED.**)

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

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

On further motion by same Senator, Senate Amendment "A" (S-694) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637) AND SENATE AMENDMENT "A" (S-694), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

Resolve Mandate

Resolve, Directing the Cumberland County Commissioners To Establish a Task Force To Establish New County Commissioner Districts

H.P. 1236 L.D. 1728
(S "A" S-639 to C "A" H-840)

Tabled - May 23, 2006, Senator **SCHNEIDER** of Penobscot

Pending - **FURTHER CONSIDERATION**

(In House, April 28, 2006, **FAILED FINAL PASSAGE.**)

(In Senate, April 29, 2006, **FINALLY PASSED, in NON-CONCURRENCE.**)

(In House, April 31, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840) AS AMENDED BY HOUSE AMENDMENT "B" (H-1107)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECEDED** and **CONCURRED.**

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Primary Residences

H.P. 7 L.D. 2
(C "C" H-1014)

Comes From the House, **FAILED FINAL PASSAGE.**

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

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

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

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 8:30 in the evening.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Promote Economic Development by Enhancing Educational Opportunities
S.P. 702 L.D. 1785
(S "A" S-669 to C "A" S-497)

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

Emergency Measure

An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory
S.P. 779 L.D. 2028
(C "A" S-519; S "A" S-674)

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

Mandate

An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations
S.P. 258 L.D. 791
(S "A" S-663 to C "A" S-299)

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

Mandate

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes
S.P. 749 L.D. 1952
(S "A" S-673 to C "A" S-479)

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

Acts

An Act To Change the Child Care Facility Licensing Laws
H.P. 272 L.D. 359
(S "A" S-662 to C "A" H-346)

An Act To Encourage the Preservation of Affordable Housing
H.P. 808 L.D. 1165
(S "A" S-664 to C "A" H-634)

An Act Regarding Access to Mental Health Services
S.P. 411 L.D. 1183
(S "A" S-665 to C "A" S-279)

An Act To Appropriate Funds for the School Breakfast Program
S.P. 535 L.D. 1540
(S "A" S-667 to C "A" S-195)

An Act To Eliminate Administrative Preliminary Hearings for Probationers
H.P. 1308 L.D. 1868
(S "A" S-670 to C "A" H-796)

An Act To Promote Youth Involvement in County and Local Government

H.P. 1320 L.D. 1880
(C "A" H-768; S "A" S-671)

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

An Act To Improve the Oral Health of Maine's Children

S.P. 737 L.D. 1936
(S "A" S-672 to C "A" S-498)

Emergency Measure

An Act To Promote Economic Development by Enhancing Educational Opportunities

S.P. 702 L.D. 1785
(S "A" S-669 to C "A" S-497)

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

Tabled - May 23, 2006, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

Resolve

Resolve, To Promote Training Centers for Entrepreneurship

H.P. 964 L.D. 1387
(S "A" S-666 to C "A" H-482)

(In Senate, May 22, 2006, on motion by Senator **ROTUNDO** of Androscoggin, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.** On further motion by same Senator, the Senate **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (S-497). On further motion by same Senator, Senate Amendment "A" (S-669) to Committee Amendment "A" (S-497) **READ and ADOPTED.** Committee Amendment "A" (S-497) as Amended by Senate Amendment "A" (S-669) thereto, **ADOPTED, in NON-CONCURRENCE. PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-669) thereto, in NON-CONCURRENCE.)**

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

(In House, May 23, 2006, **PASSED TO BE ENACTED.**)

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

SENATE PAPERS

Bill "An Act To Comply with the Federal Commercial Motor Vehicle Safety Act of 1986"

S.P. 864 L.D. 2119

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

Sponsored by Senator SAVAGE of Knox. (GOVERNOR'S BILL)
Cosponsored by Representative McKENNEY of Cumberland and Senator: DIAMOND of Cumberland, Representative: MARLEY of Portland.

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

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

Emergency Measure

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

Ordered sent down forthwith for concurrence.

An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory

S.P. 779 L.D. 2028
(C "A" S-519; S "A" S-674)

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

Tabled - May 23, 2006, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

Senate at Ease.

Senate called to order by the President.

(In Senate, on motion by Senator **ROTUNDO** of Androscoggin, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.** On further motion by same Senator, Senate Amendment "A" (S-674) **READ and ADOPTED. PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-674) AND COMMITTEE AMENDMENT "A" (S-519), in NON-CONCURRENCE.)**

ORDERS OF THE DAY

(In House, May 23, 2006, **PASSED TO BE ENACTED.**)

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

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

Mandate

An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations

S.P. 258 L.D. 791
(S "A" S-663 to C "A" S-299)

Tabled - May 23, 2006, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2006, on motion by Senator **ROTUNDO** of Androscoggin, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.** On further motion by same Senator, **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (S-299). On further motion by same Senator, Senate Amendment "A" (S-663) to Committee Amendment "A" (S-299) **READ** and **ADOPTED.** Committee Amendment "A" (S-299) as Amended by Senate Amendment "A" (S-663) thereto, **ADOPTED, in NON-CONCURRENCE. PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299) AS AMENDED BY SENATE AMENDMENT "A" (S-663) thereto, in NON-CONCURRENCE.)**

(In House, May 23, 2006, **PASSED TO BE ENACTED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Mandate

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes

S.P. 749 L.D. 1952
(S "A" S-673 to C "A" S-479)

Tabled - May 23, 2006, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2006, on motion by Senator **ROTUNDO** of Androscoggin, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.** On further motion by same Senator, **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (S-479). On further motion by same Senator, Senate Amendment "A" (S-673) to Committee Amendment "A" (S-479) **READ** and **ADOPTED.** Committee Amendment "A" (S-479) as Amended by Senate Amendment "A" (S-673) thereto, **ADOPTED, in NON-CONCURRENCE. PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY SENATE AMENDMENT "A" (S-673) thereto, in NON-CONCURRENCE.)**

(In House, May 23, 2006, **PASSED TO BE ENACTED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Create the Taxpayer Bill of Rights"

I.B. 1 L.D. 2075

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
HUTTON of Bowdoinham
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1106).**

Signed:

Senator:

COURTNEY of York

Representatives:

CLOUGH of Scarborough

BIERMAN of Sorrento

HANLEY of Paris

SEAVEY of Kennebunkport

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

Reports **READ**.

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

On motion by Senator **BRENNAN** of Cumberland, 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 Strimling.

Senator **STRIMLING:** Thank you, Madame President. Before we vote I did want to get a few comments on the record about what we're about to vote on. This is, obviously, the so-called 'Taxpayer Bill of Rights' and what we are voting on this evening is to send it out. I do think it's important that before we get it out that some facts, as I see them, get put on the record in terms of what this bill does. There has been quite a bit of debate out there about whether or not this bill is going to effect local communities' budgets in a negative way. A number of people have been out in the community saying that this will not cut anybody's budget and all this is going to do is limit growth and limit spending. That is absolutely false. Let's be clear. If this passes next Fall hundreds of communities across this state would have to start cutting their budgets and have to start cutting the services that everybody depends on. It says clearly in the legislation that they must change or adjust their budget based on population plus inflation or the assessed value of their community, whichever is lower. They must adjust their budget based on population plus inflation or the assessed value, whichever is lower. Adjust. Change. Cut. Dramatic cuts, if you look at communities across this state. They will be looking at 5%, 10%, 15%, up to 20% cuts of their budgets based on, often times, the assessed value because we've seen what has happened, especially in rural communities of Maine, where the assessed value has gone down, where communities are not seeing the kind of assessed values that go up as in some of the coastal areas. You are going to add hardship to the headache that is already there because people will have to see services that they depend on eliminated. I strongly encourage my colleagues today to vote Ought Not to Pass. I would prefer that this didn't go out at all, but it's going to go out and I encourage the people of the state of Maine to vote this down because it will be devastating on our communities and devastating on our state if this passes in any way, shape, or form this Fall. Thank you very much, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Very briefly. I'm going to be voting in favor of this and I understand that this piece of legislation is very far from perfect as you start to read it line by line. It's somewhat similar to the piece that was passed by the voters requiring that the State fund education by 55%, which has been touted as L.D. 1, the companion piece and touted as tax relief for the State. I think what happened, if we're going on the record, is the process of referendums and the process of going through last Fall's referendum, when municipalities across the state said, 'Don't pass that Palesky bill. If we get extra money from the State for education we're going to return it all to the taxpayers.' Unfortunately, that didn't happen. That has led to the outrage and continued outrage of many people that pay the taxes in this state. This bill, if passed by the people next November, will give this legislature a chance to come back and put in a companion piece and address some of the deficiencies in this legislation. I would like to pass it today and address the deficiencies immediately. I think that this would go a long way to providing some tax relief that I believe the people of Maine deserve. Thank you, Madame President.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. If this bill did only what the question leads you to believe it does I might consider voting for it. It goes well beyond that. In fact, how the question reads leads you to believe that bill does basically what we did in L.D. 1 and L.D. 1 is working and will continue to work as it's phased in over the next couple of years. Unfortunately, the whole nature of the state of Maine and the property tax base is changing. Home prices are escalating far faster than commercial property. As a portion of the total taxable pie, it is shifting percentage-wise more onto homes and off businesses. That is skewing everything we've done up until now. I think there is more we need to do. This certainly isn't it. Take the cap part out of it and take the rest of the bill and if had to design a bill to totally screw up the entire workings of all government I don't think you could have done a better job than the rest of what is in here. My own personal vision of what will happen if this is enacted, and I think it's a danger that it will be because it's a very neatly worded question and sounds appealing, is that I think we will be like you went back 20 years in the State budget, and lived under TABOR, the State budget would be cut roughly by 1/3. That leaves us with a couple of options, 1/3 of our budget is roughly the operation of the entire State of Maine gone, or 1/3 of K-12 education gone, or all of Human Services gone. I think what we end up doing is pushing our obligations onto the communities, municipalities, where they will override and it will end up squarely back on the homeowners. That's my biggest fear. It will be one more shift back onto the homeowners. It's terrible policy and it's time to kill it here, put it out to the voters, and tomorrow I'll start working to educate the voters as to why it's so dangerous. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. We come to my final hours here in the Maine Legislature. When I first came to this Body, Speaker

Mitchell asked me to serve on the Taxation Committee. I served on the Taxation Committee for a number of years. During those 10 years I kept hearing about taxes in Maine, the tax code, tax reform, and all of these things and how gargantuan a task it is. Tax reform is something that sounds great but when you get into the nitty-gritty, all of those exemptions and all those things, there is a reason why they are all there. We know why they are all there. We have had to deal with them here. We've passed new ones because we felt it important to have certain things. In those 10 years prior to TABOR and prior to a few other efforts we went from a sales tax of 6% down to 5.5% and now we're at 5%. We implemented the Homestead Exemption for all homeowners in the state of Maine, which at the time was the single largest decrease in property taxes in the history of the State of Maine. Recently we've passed L.D. 1, which is creating tax savings of about one mil in my community. I know it's not happening in all communities, but L.D. 1 isn't done yet either. This year we dealt with the personal property tax and made significant inroads in trying to also help businesses and deal with the equipment that is used in manufacturing, particularly in the equipment that is important for businesses to continue production. The so-call Production Tax. You never want to tax production. We made significant progress there. We did add a few more exemptions, as you recall. I can say that we got rid of an exemption. Back in my sophomore year we got rid of the sales tax trade in allowance for chainsaws. That was one I recall. We also increased the exemption on income for our entire veterans in the state of Maine.

It would be nice to be able to take a hatchet and make these types of cuts, but as everyone reminds us so often, we are not a wealthy state. The types of tax reform that we have to deal with, and at the same time take care of people in this state by putting our people first, we have to make them surgically. We need to go after the issues that are most important to Maine people and focus on what I used to refer to as the high pain taxes. You know what I mean by pain taxes. When you go and buy a Snickers bar or a bag of chips and you pay an extra nickel for that bag there isn't a whole of pain there. You remember we got rid of the snack tax too, that's another one. Nobody would not buy that Snickers bar or that bag of chips because it had a tax. By the way, chips don't have a tax any more. How about some of the pain taxes. Well, it's that property tax bill that you have to pay. We've gotten a little clever, the municipalities have gotten a little clever. Years ago it all had to be paid at one time. Now it's being divvied up over twice a year or four times a year to decrease the payment a little bit. My favorite one is the vehicle excise tax. When you go and register that automobile. You buy a new vehicle and pay a huge sales tax. Of course you probably finance that, so there is not a lot of pain there. Then you go to the town hall and you have to pay that one. A lot of pain there. Those are the types of things that we need to address. Those are the things that effect peoples' everyday lives. Let's try to deal with those painful issues.

TABOR is such a bad idea because of the way we have to go at this thing. I hope to spend my term, along with the good Senator from Penobscot, Senator Perry, traveling around the state and encouraging people and educating people about what TABOR would really do to our communities. It would get rid of all those essential services, or at least would jeopardize them. There would be new ways. People in this Body have been pretty good about giving gaming in the state a fair shake. There would be a great deal more effort to go after those types of approaches to solving our state's ills. More lottery pressure. More pressure

on gaming to get more money. More pressure to go after things that we really shouldn't be going after, water and other things. I hope that we will leave here with some type of unity and try to lead by example. I think we have done that over the last 10 years. I hope that the people of the state of Maine will read this very carefully and understand it and not just listen to the sound bits or the snippets. This is something that is going to affect everybody. Madame President, as I leave the legislature, primarily because I think we've accomplished so much in tax reform, particularly property tax reform, I hope that this doesn't undermine everything that we've all been able to do over the last 8 to 10 years. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. I am pleased to hear my colleague from the other side of the aisle speaking so clearly about the deficiencies in the bill and it was clearly the understatement of the night, saying that this bill is far from perfect, because it is far from perfect and it is quite deficient in many ways, that we learned in some very long work sessions and would that we could fix them now. I do not have faith that if it passes those necessarily will be fixed. I would add, I want to be very clear, that there are two pieces. One piece that I forgot to mention earlier; the issue here is about cutting programs at the local level. We had testimony in front of us, we had testimony at the hearing from the Maine Heritage Policy Center, or some variant, I don't know their exact name. They continued to say over and over again that this will not cut. When I personally asked, 'If you are saying that the language that we are reading will not cut somebody's budget and somebody else says clearly that it does, will you be okay when we come back to make sure that this doesn't cut anybody's budget? Will you go on the record today and say that as an author of this bill you are telling us your intent was not to cut anybody's budget and when we come back we should make sure that nobody's budget would be cut?' he would not say that he would agree to that statement. He would say it would not cut, he wouldn't say it would be okay for us to fix the problem as the good Senator from York, Senator Courtney, says we may do because the people who wrote this bill were very clear that this is about trying to strangle government from the services that people need.

The other piece that is really important, we understand, is that people compare this to Colorado all the time. They say this one is okay and this one is better than Colorado, which major portions were just thrown out by the voters because they recognized how detrimental it was when the schools went from some of the top in the nation to some of the worst. They threw it out. People say this one is okay because we have some pieces in it that are going to hold it tight. They don't have, for instance, what's called the ratchet. I love that name. The ratchet. This doesn't have that. What the ratchet is, basically, is that if your expected revenue is \$100 this year and you only get \$80, you have to start next year's budget at \$80. What they are saying is you can go back to the \$100. Absolutely incorrect. If you want to follow along in the bill, I'd be glad to do that, section 2044 page 82A. The amount of revenue for the local districts for the previous fiscal year adjusted, we talked about that earlier, by the change in the assessed value, etcetera. The amount of revenue for the local district for the previous fiscal year. So if revenue comes up short one year, you will have to start at that point and

go forward. That's the ratchet that they put into effect in Colorado because they wanted to ratchet down the amount of services that people were receiving and it worked until the people threw it out. They included it in this bill. Although they say they did not but they did, in black and white. I strongly encourage my colleagues to vote no on this bill and the people of Maine come November.

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

Senator **ANDREWS:** Thank you, Madame President and fellow Senators. I will be out lobbying for this bill very strongly. I have submitted this bill twice to the legislative process. As I said the last time, if we don't chose to do it here the citizens of the state of Maine will do it for us. I like being number one. I like the idea of number one on my license plate. It's kind of nice. I was number two for a number of years, but now I'm number one. I'm going out number one. However, I don't particularly enjoy being number one as the most highest taxed state in the nation and neither do my constituents and the majority of the citizens of Maine. Before I put this bill in the first time and the second time I talked to many of the legislators from Colorado. As a result of this so-called TABOR bill out there they have not gone down the drain. They have a very good economy. They are doing quite well. They have changed and they have amended the bill, as what will be done with this bill. We talk about number one. Well, I have to say that L.D. 1 has not been the panacea to solve all our problems. I know a good many school districts and communities who are having to cut programs, close schools early, and etcetera as a result of L.D. 1. Cushions, various things. We talk about the Homestead Exemption. As I told the good Chief Executive down on the second floor when he said he hadn't raised taxes, I said, 'Sir, when you cut the Homestead Exemption, you raised taxes on every one of my homeowners.' How long can the citizens of the state of Maine tolerate being number one? Yes, this bill does need some work. Yes, L.D. 1 needs some more work. Nothing is perfect the first time through. The citizens that I've talked to in Maine have told me very clearly that they've had enough of being number one. I will vote to send this out to the citizens because this is what they want. They want a chance to be heard because they don't feel they are being heard here in Augusta. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion and in opposition to this measure. I view the Taxpayer Bill of Rights as an avocation of responsibility. When I'm out on the campaign trail I often hear people tell me that we need to cut spending. I hear a lot of candidates talking about the importance of cutting government spending. What no one wants to do is to stand up and take responsibility for those cuts, take responsibility for higher student-teacher ratios, take responsibility for cutting healthcare, or take responsibility for cutting a wide range of covered programs. What people are looking for through this measure is something that will handcuff them so that we, as legislators, can go back to our constituents and say that we had no choice but to cut spending and it is all their fault because they passed TABOR. We would be living up to that measure by cutting those popular programs. What we are trying to do with this measure is put a straightjacket on politicians so that none of us have to take responsibility for the

tough choices that have to be made. I would argue that if you believe that government spending needs to be cut then we should be campaigning on exactly what those cuts should be so that people can send legislators to Augusta with a mandate to accomplish that. What I hear over and over again from constituents is that although they want to cut government spending they want to make sure that their public education dollars are protected, they want to make sure that every child in the state who needs it has the healthcare they need, and that our elderly are not kicked out on the streets because they can't afford nursing home care. I would ask anyone who supports this measure to rise and indicate exactly what expenses you intend to cut once this ratchet takes effect so that people can know what it is they are voting for and then anyone who supports this measure can take responsibility for those cuts instead of simply putting a straightjacket on and saying they couldn't control it and it's because of TABOR. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I guess this really gets to the heart of the matter; the difference between the parties and the difference between the perspectives of how government should operate. I think many on our side of the aisle feel that you ought to have a certain budget and you spend the amount of money that you have whereas I see that the other side of the aisle often says that this is what they need and they need to come up with the money to spend. It's a fundamental difference. I respect the difference. I think that we are all passionate about it. I just want to go back and comment about the good Senator from Cumberland, Senator Strimling. I just want to clear up one thing. He was talking about section 2044 page 82A, about the local expenditure limitations. That's one of the reasons that, when this is ultimately passed, it will need some clarification. We had one opinion that says the good Senator is correct, that it could create a cut and you would have to base you next year's budget on a reduced amount. We had another opinion that said that there isn't. We had an analysis that said it was ambiguous. It made it real clear for us, we just voted it out four or five hours later. I think there is really a lot of work that will be done before this could be a law for the people of the state of Maine. I'm not arguing that point.

We heard about the ratchet and I think it goes back to that fundamental difference about having a certain amount of money and you spend that money. You don't go out and borrow to take care of somebody. One of the reasons I got involved is because I want to put people first. That's my mission for being up here. I think the only way we can truly do what we want to do and put people first is through fiscal strength and responsibility. If we do that we can accomplish some of the things that are near and dear to our hearts, like healthcare and providing for the people that we've made commitments to. I believe that if we increase spending more than the rate of inflation and more than people's incomes and more than the population growth, if we have an issue that we need to raise more money than that, I'm not afraid to make that case to the people. I think that is a good restraint. A classic example is what we just saw in here. We're providing benefits for people that we have absolutely no idea how to pay for. We all want to do it. We all want to give everybody everything. I want to provide health insurance for every person in this state but we don't have the money to do that. I think that if

we can start to turn the corner and start to work and live within our means then we can do those things because ultimately whenever you reduce the tax burden, if you look at the history of taxes across the country and across the state, revenues grow. You can take a portion of those revenues and do some of those things. You truly can put people first. Thank you, Madame President.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. A \$71 billion tax cut to the most wealthy people in this country. Those people making more than \$1 million get a \$42,000 benefit. The largest deficits in the history of this country, the largest reorganization of the federal government and homeland security.

Senator **COURTNEY** of York rose to a **POINT OF ORDER** as to whether the Senator from Cumberland, Senator Brennan, was speaking on the issue.

The Chair **RULED** that this was unclear as the Senator from Cumberland, Senator Brennan, had not finished his sentence and the Chair would make a decision upon completion of the sentence.

Senator **BRENNAN:** Thank you, Madame President. The largest single intrusion of the federal government into educational policy. A healthcare plan called Medicare Part D that resulted in a \$2 billion profit for the pharmaceutical companies. This is by the party that talks about fiscal responsibility and smaller government. Interesting. This particular proposal before us tonight; not one, not two, but three different reports have all come out and talked about how L.D. 1 has been effective and is moving the state in the right direction. It's rare that we have an opportunity to consider a bill that has already been an experiment in another state, an experiment that failed. It's really curious when we've had this demonstration, this experiment, in another state, that has now been rejected by the voters in those other states, that somehow the people of Maine will now have the opportunity to decide whether or not they want to adopt that same failed experiment. Hard to believe. Hard to believe that we would do that. Most importantly, and some people have touched upon this in part of the debate and I will agree with the good Senator from York, Senator Courtney, that I did stray a bit in my opening comments, is the thing that concerns me the most about this particular proposal is the impact that it will have on education. There is not one person in this chamber that does not believe in the importance of higher education and the importance of higher education in the state of Maine. You know what they ended up doing in Colorado with higher education because of the effects of TABOR and the taxpayers bill of rights? They had to end up enacting a voucher system because it was the only way that they could get funding for students to support higher education because the restrictions under TABOR were so stretch that they could only fund K-12 education but weren't able to put appropriate resources into higher education. They developed a voucher system.

Knowing all of those things, and I think once the public and people in Maine know all those things, this initiative will be resoundingly defeated at the polls. It will give us the opportunity

to come back and continue on the good work that we have not one, not two, but three different studies that showed L.D. 1 is moving us in the right direction. Thank you.

THE PRESIDENT: 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 (#491)

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

NAYS: Senators: CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, NASS, PLOWMAN, SAVAGE, SNOWE-MELLO, WESTON

ABSENT: Senators: MILLS, WOODCOCK

EXCUSED: Senator: TURNER

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

SENATE PAPERS

Bill "An Act To Provide Funding for Infrastructure for a New Downtown in the Town of Canton"

S.P. 865 L.D. 2120

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative HOTHAM of Dixfield and Representatives: GERZOFKY of Brunswick, PATRICK of Rumford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

ORDERS OF THE DAY

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

An Act To Promote Municipal-State Transportation Investment Partnerships

H.P. 802 L.D. 1159
(C "A" H-873)

Tabled - April 3, 2006, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873)**, in concurrence.)

(In House, March 31, 2006 **PASSED TO BE ENACTED.**)

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

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

Mandate

An Act To Amend the Laws Concerning Eminent Domain
S.P. 417 L.D. 1203
(C "B" S-609)

Tabled - April 27, 2006, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-609).**)

(In House, April 27, 2006, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and signed by the President.

(See action later today.)

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

An Act To Authorize State Participation in the Unified Carrier Registration System

H.P. 1367 L.D. 1950
(C "A" H-770)

Tabled - March 22, 2006, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**, in concurrence.)

(In House, March 21, 2006, **PASSED TO BE ENACTED.**)

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

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

Resolve

Resolve, Directing the Department of Transportation To Review Its Highway Traffic Noise Policy

H.P. 1438 L.D. 2040
(C "A" H-857)

Tabled - March 31, 2006, by Senator **DAMON** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-857).**)

(In House, March 30, 2006, **FINALLY PASSED.**)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **DAMON** of Hancock, the Senate **RECONSIDERED** whereby it **ENACTED** the following:

Mandate

An Act To Amend the Laws Concerning Eminent Domain
S.P. 417 L.D. 1203
(C "B" S-609)

(In House, April 27, 2006, **PASSED TO BE ENACTED.**)

(In Senate, May 23, 2006, **PASSED TO BE ENACTED**, in concurrence.)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

After Recess

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

An Act To Establish the Hospital and Health Care Provider Cooperation Act

S.P. 852 L.D. 2110
(C "A" S-654)

Tabled - May 23, 2006, by Senator **BRENNAN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-654).**)

(In House, May 23, 2006, **PASSED TO BE ENACTED.**)

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

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

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

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until the sound of the bell.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Maine Wind Energy Act"

S.P. 477 L.D. 1379
(S "A" S-696 to S "A" S-365)

In the Senate, May 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365) AS AMENDED BY SENATE AMENDMENT "A" (S-696)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1108) AS AMENDED BY SENATE AMENDMENT "A" (S-365)** thereto, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

Senate

Pursuant to Joint Rule 309

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint"

S.P. 341 L.D. 1001

Received by the Secretary of the Senate on May 23, 2006, pursuant to Joint Rule 309.

On motion by Senator **MARTIN** of Aroostook, **READ ONCE**.

Senator **NASS** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#492)

YEAS: Senators: ANDREWS, CLUKEY, COURTNEY, DAMON, DAVIS, DOW, HASTINGS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON

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

ABSENT: Senators: MILLS, WOODCOCK

EXCUSED: Senator: TURNER

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **NASS** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#493)

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

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

ABSENT: Senators: MILLS, WOODCOCK

EXCUSED: Senator: TURNER

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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

ENACTORS

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

Resolve

Resolve, Establishing an Apportionment Commission To Develop New Cumberland County Commissioner Districts

H.P. 1236 L.D. 1728
(H "B" H-1107 to
C "A" H-840)

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

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

COMMUNICATIONS

The Following Communication: H.C. 473

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

May 23, 2006

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

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land (H.P. 7) (L.D. 2) Failed of Final Passage.

Sincerely

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, May 24, 2006, at 10:00 in the morning.

ORDERS OF THE DAY

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

An Act To Recapitalize the Maine Downtown Center
H.P. 1370 L.D. 1956

Tabled - April 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 28, 2006, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-699) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-699), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Mandate

An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

H.P. 1093 L.D. 1552
(S "A" S-668 to C "A" H-584)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.