

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

In Senate Chamber
Wednesday
June 1, 2005

Senate called to order by President Pro Tem Kenneth T. Gagnon of Kennebec County.

Prayer by Senator Mary Black Andrews of York County.

SENATOR ANDREWS: Good morning. It's a privilege to be here today. Before I offer the prayer, I would like to share something with you that I think ties in with our prayer. It has to do with the holiday we just celebrated, Memorial Day, and the American flag. It is said that the greatest honor that you can give any fallen hero is that when they go to their final resting place that they go under the loving blanket of the flag. When my first husband, Trooper Black, gave his life in the line of duty, his casket was covered with the flag and they did the flag folding ceremony at the graveside, which I had no understanding of. I'm going to share with you the meaning of the flag folding ceremony because I think it's something that we are not aware of and it ties very closely in with the faith of our country.

The flag folding ceremony represents the same religious principles in which our country was originally founded. The portion of the flag denoting honor is the canton of blue containing the stars representing the states our veterans serve in. The canton field of blue dresses from left to right and is inverted when draped as a pall on a casket of a veteran who has served our country.

The folds of the flag. The first fold of our flag is a symbol of life. The second fold is a symbol of our belief in eternal life. The third fold is made in honor and remembrance of the veteran departing our ranks who gave his life. The fourth fold represents our weaker nature. The fifth fold is a tribute to our country. The sixth fold is where our heart lies, it is with our heart that we pledge allegiance to the flag of the United States of America. The seventh fold is a tribute to our armed services, for it is through the armed forces that we protect our country and our flag against all her enemies. The eighth fold is a tribute to the one who entered into the valley of the shadow of death, that we might see the light of day and to honor our mother. The ninth fold is a tribute to womanhood, for it has been through their faith, loyalty, and devotion that the character of the men and women who have given their lives have been molded. The tenth fold is a tribute to father, for he, too, has given his sons and daughters to the cause. The eleventh fold, in the eyes of a Hebrew citizen, represents the lower portion of the Seal of King David and King Solomon and glorifies in their eyes the God of Abraham, Isaac, and Jacob. The twelfth fold, in the eyes of a Christian citizen, represents an emblem of eternity. When the flag is completely folded the stars are uppermost, reminding us of our national motto, 'In God We Trust'.

After the flag is completely folded and tucked in, it takes on the appearance of a cocked hat, ever reminding us of our soldiers who served under General George Washington and the sailors

and marines who served under Captain John Paul Jones who helped form the United States.

The prayer I'm going to share with you was given by Peter Marshall, who was Chaplain in the U.S. Congress.

We know, our Father, that in this desperate hour in world and state affairs we need thee. We need thy strength, thy guidance, thy wisdom. There are problems far greater than any wisdom of man can solve. What shall our leaders do in such an hour? May thy wisdom and thy power come upon those who have been entrusted leadership. May the responsibility lie heavily on their hearts until they are ready to acknowledge their helplessness and turn to thee. Give to them the honesty, the courage, and the moral integrity to confess that they don't know what to do. Only then can they lead us as a nation and as a state beyond human wisdom to thee, who alone has the answer. Lead us to this high venture. Remind us of a mighty fortress is our God, not a hiding place where we can escape from an easy life, but rather an arsenal of courage and strength, the mightiest of all, who will march beside us in the battle for righteousness and world brotherhood. Amen.

Reading of the Journal of Tuesday, May 31, 2005.

ORDERS

Joint Resolutions

On motion by Senator **BRENNAN** of Cumberland, under unanimous consent on behalf of President EDMONDS of Brunswick (Cosponsored by Speaker RICHARDSON of Cumberland and Senators: ANDREWS of York, BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CLUKEY of Aroostook, COURTNEY of York, COWGER of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DIAMOND of Cumberland, DOW of Lincoln, GAGNON of Kennebec, HASTINGS of Oxford, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MILLS of Somerset, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin, Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BIERMAN of Sorrento, BISHOP of Boothbay, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, BROWN of South Berwick, BROWNE of Vassalboro, BRYANT of Windham, BRYANT-DESCHENES of Turner, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CEBRA of Naples, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSBY of Topsham, CROSTHWAITE of Ellsworth, CUMMINGS of Portland,

CURLEY of Scarborough, CURTIS of Madison, DAIGLE of Arundel, DAVIS of Falmouth, DAVIS of Augusta, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUNN of Bangor, DUPLESSIE of Westbrook, DUPREY of Hampden, EBERLE of South Portland, EDER of Portland, EDGECOMB of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFKY of Brunswick, GLYNN of South Portland, GOLDMAN of Cape Elizabeth, GREELEY of Levant, GROSE of Woolwich, HALL of Holden, HAMPER of Oxford, HANLEY of Paris, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, HOTHAM of Dixfield, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LERMAN of Augusta, LEWIN of Eliot, LINDELL of Frankfort, LUNDEEN of Mars Hill, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MARRACHÉ of Waterville, MAZUREK of Rockland, McCORMICK of West Gardiner, McFADDEN of Dennysville, MCKANE of Newcastle, MCKENNEY of Cumberland, McLEOD of Lee, MERRILL of Appleton, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MOORE of Standish, MOULTON of York, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Lewiston, OTT of York, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Greenville, RICHARDSON of Skowhegan, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SHIELDS of Auburn, SMITH of Monmouth, SMITH of Van Buren, SOCKALEXIS of the Penobscot Nation, STEDMAN of Hartland, SYKES of Harrison, TARDY of Newport, THOMAS of Ripley, THOMPSON of China, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 630

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MANDATE THAT THE BASE REALIGNMENT AND CLOSURE COMMISSION REJECT THE DEPARTMENT OF DEFENSE'S RECOMMENDATION TO REALIGN NAVAL AIR STATION BRUNSWICK AND TO CLOSE PORTSMOUTH NAVAL SHIPYARD AND THE DEFENSE FINANCE AND ACCOUNTING SERVICE IN LIMESTONE

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the military value of Naval Air Station Brunswick, Portsmouth Naval Shipyard and the Defense Finance and Accounting Service in Limestone is highly significant; and

WHEREAS, the security of the North Atlantic seaways and the borders of the United States and of the State of Maine are jeopardized by the Department of Defense's recommendation to close Naval Air Station Brunswick, which would put the safety and welfare of United States citizens at risk; and

WHEREAS, the Portsmouth Naval Shipyard in Kittery, Maine was recently cited by the United States Navy as the most efficient submarine repair facility, public or private, in the Nation; and

WHEREAS, the economic and job loss impact of the Base Realignment and Closure Commission's recommendations is significant in terms of the potential elimination of an estimated 12,000 military and civilian jobs in both Maine and New Hampshire; and

WHEREAS, the Base Realignment and Closure Commission will tour Portsmouth Naval Shipyard in Kittery on June 1, 2005 and Naval Air Station Brunswick on June 2, 2005, and the commission's regional hearing on recommendations affecting Maine will occur July 6, 2005, with final recommendations to be made to President Bush by September 8, 2005; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the Base Realignment and Closure Commission and the United States Congress actively work with the Honorable John E. Baldacci, Governor of Maine, the Maine State Legislature, local task forces and Maine citizens in reviewing the accuracy of the methodology used in developing current recommendations in order to reverse or minimize the recommendations to realign Naval Air Station Brunswick and to close Portsmouth Naval Shipyard in Kittery and the Defense Finance and Accounting Service in Limestone; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **BRENNAN** of Cumberland, under unanimous consent on behalf of President EDMONDS of Cumberland, the following Joint Resolution:

S.P. 631

JOINT RESOLUTION PROCLAIMING MAY AS ELECTRICAL SAFETY MONTH

WHEREAS, the month of May is National Electrical Safety Month, a way of calling attention to the importance of promoting and educating the public about the importance of having electrical safety in our homes, schools and places of employment; and

WHEREAS, as we develop more sophisticated electrical appliances and computers, our usage of electricity increases, and due to unsafe practices and accidents, hundreds of people die and thousands more are injured each year in electrical accidents; and

WHEREAS, property damage due to home fires caused by electricity-related fires amounts to almost 1.6 billion dollars annually; and

WHEREAS, following basic electrical safety precautions can help prevent damage, injury or death to thousands each year; now, therefore, be it

RESOLVED: That We, the Members of the 122nd Legislature now assembled in the First Special Session, take this opportunity to join Governor John Elias Baldacci in urging all the citizens of the State of Maine to observe Electrical Safety Month and observe the importance of establishing and practicing electrical safety habits in the home, school and workplace to decrease electrical hazards, injuries, property damage and the risk of death by conducting an electrical safety check of their homes, schools and workplaces.

READ.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by President **EDMONDS** of Cumberland to **ADOPT**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information"

H.P. 342 L.D. 467

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Economic Development of the Penobscot Nation"

H.P. 870 L.D. 1273

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-565)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565)**.

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

READ ONCE.

Committee Amendment "A" (H-565) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Real Estate Brokerage Laws"

H.P. 1072 L.D. 1525

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-583)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583)**.

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

READ ONCE.

Committee Amendment "A" (H-583) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Highway Safety"

H.P. 171 L.D. 232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-578)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)**.

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

READ ONCE.

Committee Amendment "A" (H-578) **READ** and **ADOPTED**, in concurrence.

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

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

H.P. 403 L.D. 548

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-577)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-577)**.

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

READ ONCE.

Committee Amendment "B" (H-577) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Background Checks on All Camp Employees"

H.P. 452 L.D. 619

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-575)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)**.

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

READ ONCE.

Committee Amendment "A" (H-575) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Maine Criminal Justice Academy"

H.P. 945 L.D. 1362

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-576)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576)**.

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

READ ONCE.

Committee Amendment "A" (H-576) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Provide Increased MaineCare Reimbursement Rates to Physicians with High Ratios of MaineCare Patients

H.P. 881 L.D. 1284

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-569)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569)**.

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

READ ONCE.

Committee Amendment "A" (H-569) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education (EMERGENCY)

H.P. 899 L.D. 1302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-570)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**.

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

READ ONCE.

Committee Amendment "A" (H-570) **READ** and **ADOPTED**, in concurrence.

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

(See action later today.)

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Access to Affordable Prescription Drugs"
H.P. 923 L.D. 1324

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-571)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**.

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

READ ONCE.

Committee Amendment "A" (H-571) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Nurse Practitioners To Sign Death Certificates"
H.P. 1106 L.D. 1568

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-594)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-594)**.

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

READ ONCE.

Committee Amendment "A" (H-594) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Provide Support for Legal Services for Low-income Mainers"
H.P. 510 L.D. 715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-582)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582)**.

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

READ ONCE.

Committee Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)
H.P. 1181 L.D. 1672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-566)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)**.

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

READ ONCE.

Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Solid Waste Landfill Laws"
H.P. 430 L.D. 597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-567)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)**.

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

READ ONCE.

Committee Amendment "A" (H-567) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years (EMERGENCY)

H.P. 1188 L.D. 1681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-568)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568)**.

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

READ ONCE.

Committee Amendment "A" (H-568) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Clarify the Definition of 'Domiciled' for Maine Income Tax Purposes"
H.P. 248 L.D. 325

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-588)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**.

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

READ ONCE.

Committee Amendment "A" (H-588) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Lower the Tax Burden for Small Businesses"

H.P. 465 L.D. 632

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-586)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**.

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

READ ONCE.

Committee Amendment "A" (H-586) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Allow Disabled Retired State Employees To Be Eligible for a Pension Deduction under Maine Income Tax Law"

H.P. 801 L.D. 1158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-585)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**.

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

READ ONCE.

Committee Amendment "A" (H-585) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption"
H.P. 1093 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-584)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584)**.

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

READ ONCE.

Committee Amendment "A" (H-584) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories (EMERGENCY)

H.P. 1154 L.D. 1636

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-587)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**.

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

READ ONCE.

Committee Amendment "A" (H-587) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Management and Safety of State Correctional Facilities"

H.P. 943 L.D. 1360

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-597)**.

Signed:

Senators:

DIAMOND of Cumberland
NUTTING of Androscoggin
CLUKEY of Aroostook

Representatives:

BLANCHETTE of Bangor
PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
CHURCHILL of Washburn
GERZOFISKY of Brunswick
SYKES of Harrison
GROSE of Woolwich
DAVIS of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-598)**.

Signed:

Representative:

PARADIS of Frenchville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597)**.

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-597) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 967 L.D. 1390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-592)**.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
SHIELDS of Auburn
CAMPBELL of Newfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-593)**.

Signed:

Representatives:

LEWIN of Eliot
GLYNN of South Portland

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-592)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)**.

Reports **READ**.

On motion by Senator **MAYO** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-592) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend Maine's Divorce Laws"

H.P. 508 L.D. 713

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

Signed:

Senators:

HOBBS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-579)**.

Signed:

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes

H.P. 882 L.D. 1285

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-580)**.

Signed:

Senators:

HOBBS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
BRYANT-DESCHENES of Turner
NASS of Acton

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

Signed:

Representative:

CARR of Lincoln

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-580) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Ensure Compliance with Safety Regulations"
H.P. 856 L.D. 1238

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-443)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

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

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"
H.P. 999 L.D. 1435

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-307)**.

Signed:

Senators:

BARTLETT of Cumberland
COWGER of Kennebec

Representatives:

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

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

Signed:

Senator:

WESTON of Waldo

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307) AS AMENDED BY HOUSE AMENDMENT "A" (H-370)** thereto.

Reports **READ**.

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

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

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee"

S.P. 343 L.D. 1003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-295).**

Signed:

Senators:

SCHNEIDER of Penobscot
ANDREWS of York

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Senator:

ROTUNDO of Androscoggin

Reports **READ.**

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Rights of Retainage in Public Improvement Construction Contracts"

S.P. 503 L.D. 1478

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-300).**

Signed:

Senator:

ANDREWS of York

Representative:

BISHOP of Boothbay

Reports **READ.**

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

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Establish the Maine Taxpayers' Bill of Rights"

S.P. 351 L.D. 1011

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
PINEAU of Jay
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" (S-304).**

Signed:

Senator:

COURTNEY of York

Representatives:
HANLEY of Paris
CLOUGH of Scarborough
BIERMAN of Sorrento

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Fully Fund the Homestead Exemption"
S.P. 602 L.D. 1625

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-306)**.

Signed:

Senator:
COURTNEY of York

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

The Minority of the same Committee on the same subject 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

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Maine Wind Energy Act"
S.P. 477 L.D. 1379

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-283)**.

Signed:

Senators:
BARTLETT of Cumberland
COWGER of Kennebec

Representatives:
BLISS of South Portland
BABBIDGE of Kennebunk
BRAUTIGAM of Falmouth
ADAMS of Portland
RINES of Wiscasset

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-284)**.

Signed:

Senator:
WESTON of Waldo

Representatives:
FITTS of Pittsfield
CURTIS of Madison
FLETCHER of Winslow
RICHARDSON of Skowhegan
McLEOD of Lee

Reports **READ**.

Senator **BARTLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** Report.

Off Record Remarks

ORDERS OF THE DAY

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

Joint Resolution - Proclaiming May as Electrical Safety Month
S.P. 631

Tabled - June 1, 2005, by Senator **BRENNAN** of Cumberland

Pending - motion by President **EDMONDS** of Cumberland to **ADOPT**

(In Senate, June 1, 2005, on motion by Senator **BRENNAN** of Cumberland, under unanimous consent on behalf of President **EDMONDS** of Cumberland, **READ**.)

On motion by President **EDMONDS** of Cumberland, **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the Chamber Calvin Murphy, International Brotherhood of Electrical Workers, Local 1253, who is involved in this program and part of the Plus 5 Program. Would he please rise and accept the greetings of the Senate.

SECOND READERS

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

Senate As Amended

Bill "An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board"
S.P. 87 L.D. 267
(C "A" S-114)

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

Sent down 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.

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.

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 11:45 in the morning.

After Recess

Senate called to order by the President.

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence, the following:

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education (EMERGENCY)
H.P. 899 L.D. 1302
(C "A" H-570)

(In House, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**.)

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence.)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Amend Maine's Divorce Laws"
H.P. 508 L.D. 713

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-579)** (3 members)

Tabled - June 1, 2005, by Senator **HOBBS** of York

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

(In House, May 31, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 1, 2005, Reports **READ**.)

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

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Ensure Compliance with Safety Regulations"
H.P. 856 L.D. 1238

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-443)** (8 members)

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

Tabled - June 1, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, May 31, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.)

(In Senate, June 1, 2005, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President, ladies and gentlemen of the Senate. I stand here today to speak about L.D. 1238 and ask you to oppose the majority Ought to Pass report. This is another piece of legislation that, in my mind, will guarantee to not improve the business and job climate in Maine. At a time when we needed jobs for Maine's workers, along comes L.D. 1238 that would put creation and expansion of business in Maine at risk. What does LD. 1238 do that would jeopardize job growth in our state? It requires the Maine Department of Labor, Bureau of Labor Standards to conduct comprehensive and costly safety inspections in any facility that handles hazardous substances or hazardous equipment, which has greater than 250 employees, 50% of which have been employed for less than 6 months at the facility. The whole point of this bill is to make it difficult to continue operations after a strike and is likely preempted by federal OSHA laws and the National Labor Relations Act. This applies to new business start-ups as well. It's not limited to industrial or manufacturing facilities, including supermarkets, technology companies, and others. The reason being that they handle hazardous waste substances and operate hazardous equipment as defined in the bill. The Bureau of Labor Standards will be hard pressed to develop job specific criteria to determine whether a facility meets all the bill's requirements. The bureau would have to review all hazardous equipment and machinery, all hazardous substances, and all employee activities at every effected facility. The compliance determination would have to be made within 60 days. Federal OSHA inspections of this nature take a minimum of 4 months. If the Bureau of Labor Standards can meet the criteria it would be very, very costly to Maine. The fiscal note estimate costs to be in the range of \$50,000 to \$70,000 per year. It is believed this estimate is wildly optimistic and the cost of this legislation will be much greater than this estimate. This law would place unprecedented burdens on Maine's businesses that competitors in other states would not have to face and sends another message that Maine is not open

for business. Maine may as well bring the shingles that say 'Open for Business' and replace it with 'Closed Indefinitely'. The penalty shut down is likely disproportionate to the violation. Businesses will be reluctant to come to Maine if they know they can be shut down for minor violations. All we promise in this bill regarding the proper labeling and handling of hazardous substances, the maintenance of hazardous equipment, and employee training. Emergency safety procedures are already required under existing state and federal laws, including OSHA, the Maine Emergency Planning Community Right To Know Act and the federal and state hazardous waste regulations. In addition, both OSHA and USEPA have authority to close a manufacturing facility that poses unreasonable risks. Maine should not expand its scarce financial and human resources duplicating this effort. I ask this body to please be careful where we go. The do the wise and prudent action by voting no against the majority report. Thank you very much.

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

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

Senator **STRIMLING:** Thank you, Madame President. Just briefly. This bill is about the health and safety of workers. Beginning and ending. That's it. What this does is says to a business, 'If you are going to open up a new branch or if you are going to expand and bring in new workers, who are going to be working in a dangerous environment in terms of the chemicals that they are working with, the state is going to come in and inspect you business to make sure there aren't any violations and to make sure that those workers are safe.' They are not going to stop your business while they are coming in for the inspection. The original bill said that. We said, 'No, that's not okay. You can't come in and have somebody have to stop their business for 3 months.' You can continue your business unless you are violating the law and your workers are unsafe. I would say that everyone here would agree that no business should be operating in the State of Maine if they are unsafe, if their workers are unsafe, and somebody might get hurt, or God forbid, might get killed. All this bill does is say we want to inspect and make sure that your workers are going to be protected when they come to work. That's all the bill does. I encourage your support of the majority Ought to Pass as Amended report.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. That job is already done by OSHA and they do a pretty thorough job, I can tell you. They also hand out stiff fines when they don't find what they expect to find. In each of my trucks and in every office I have a thick book called the MSDS book. Anything that comes in to my business that we use from the White Out in the desks to the materials that we use out on the job has to be listed and MSDS form tells you what is in each chemical, what each chemical does, how to counteract each chemical, and what is necessary for treatment. This is all regulated by OSHA. We don't need to be spending another go-around for safety. I will say to you, and you will probably hear this

several more times over the next couple of weeks, the greatest driver for safety, besides concern for your employees, is your Workers' Comp rates. Your rates are set by your safety record. Your safety record is not a year-to-year thing, it is a 3-year experience. An accident today, I pay for the next 3 years. It's not on the employee that got hurt, it's on the total of my payroll. The greatest driver, if you are looking at efficiency and safety, is concern for the employees and then the bottom line. The bottom line says if your employees are not safe, you are going to pay an awful lot of money for a long time because you didn't make it so. I will also tell you that there is a Part 2 to the fiscal note. It says that the services of a Superior Court Justice, law clerk, court clerk, court reporter, court security officer, and possibly jurors will be added. The cost would be at least \$5,000 per case. These additional costs are not expressed in the numbers above and could be substantial. Also we can do a repeat of what the federal agency already does. This state micro-manages to the extreme. If we have somebody doing the job already, we shouldn't have to come up with a bunch of extra money, another step, and a disregard for what it is going to cost employers. I think if you have a problem with OSHA, that's another matter. Right now that is who does it and they do it quite well, I can tell you. Please, let's be somewhat common sense about this and go on to reject this because it's just another added layer that we can't afford. 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 to Pass as Amended 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 (#210)

YEAS: Senators: BRENNAN, BRYANT, GAGNON, MARTIN, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BARTLETT, BROMLEY, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

6 Senators having voted in the affirmative and 29 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Rights of Retainage in Public Improvement Construction Contracts" S.P. 503 L.D. 1478

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-300)** (2 members)

Tabled - June 1, 2005, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, June 1, 2005, Reports **READ**.)

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Establish the Maine Taxpayers' Bill of Rights" S.P. 351 L.D. 1011

Majority - **Ought Not to Pass** (6 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-304)** (4 members)

Tabled - June 1, 2005, by Senator **BRENNAN** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 1, 2005, Reports **READ**.)

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. This is my bill. It is almost an exact copy of a bill that I put in 2 years ago and I believe 4 years ago. An interesting thing has happened on the road to the Senate to our government, as we know it in Maine. I'm sure many of you are aware that in the past several years we have seen a great many citizen initiative petitions. I firmly believe that there is a reason for that. The public sees us as not doing our job. I do believe that we have three or four citizen initiative petitions coming up this year, one of which is this very same bill. I'm not

going to talk at length on this bill. We can pass it now or the citizens will do it again for us as they have done so much in the past few years. I'm asking you to vote against the majority Ought Not to Pass report and go on to pass the minority Ought to Pass report so that we don't have to go that route. Thank you.

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

Senator **PERRY:** Thank you, Madame President, men and women of the Senate. I don't plan on dragging this debate out. I think we probably all know how we want to vote on this issue. It requires 2/3 support of the House and the Senate to raise any tax or fee and then beyond that requires it to go out to the voters for their approval on top of our 2/3 vote. Very cumbersome, and makes it very difficult to do our job around here. It's our responsibility and I think it ought to stay right in this building. I would urge you to support the Ought Not to Pass report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Perry 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 (#211)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MILLS, 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, TURNER, WESTON, WOODCOCK

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reestablish the Milk Handling Fee"

H.P. 996 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-602)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)**.

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

READ ONCE.

Committee Amendment "A" (H-602) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Sex Offender Registration and Notification Act of 1999"

H.P. 997 L.D. 1433

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-607)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607)**.

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

READ ONCE.

Committee Amendment "A" (H-607) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Access to Certain Dental Services"

H.P. 1023 L.D. 1461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-601)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-601)**.

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

READ ONCE.

Committee Amendment "A" (H-601) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

H.P. 1026 L.D. 1463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**.

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

READ ONCE.

Committee Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
H.P. 1182 L.D. 1674

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-599)**.

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

READ ONCE.

Committee Amendment "A" (H-599) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 Concerning Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities

S.P. 407 L.D. 1179
(C "A" S-248)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Compensate the Gambling Control Board
S.P. 571 L.D. 1597
(C "A" S-253)

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

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

ENACTORS

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

Acts

An Act Concerning the Disclosure of Juror Information
S.P. 63 L.D. 157
(C "A" S-244)

An Act Relating to Animals in Food Stores and Restaurants
S.P. 163 L.D. 537
(C "A" S-245)

An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce
S.P. 300 L.D. 892
(C "A" S-241)

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

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

ENACTORS

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

Acts

An Act To Protect Maine Harness Racing from Illegal Wagering
S.P. 370 L.D. 1053
(C "A" S-246)

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

S.P. 424 L.D. 1210
(C "A" S-247)

An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release
H.P. 939 L.D. 1356
(H "A" H-536)

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

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

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

ENACTORS

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

Resolves

Resolve, To Examine the Nontherapeutic Use of Antibiotics
S.P. 388 L.D. 1126
(C "A" S-250)

Resolve, To Direct the Department of Conservation To Seek Public Access to Certain Prominent Water Bodies
S.P. 482 L.D. 1393
(C "A" S-240)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Fully Fund the Homestead Exemption"
S.P. 602 L.D. 1625

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-306)** (7 members)

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

Tabled - June 1, 2005, by Senator **STRIMLING** of Cumberland

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

(In Senate, June 1, 2005, Reports **READ**.)

On motion by Senator **COWGER** of Kennebec, 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 York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. This bill would fully fund the Homestead Exemption. For those of you who have tried to explain L.D. 1 to your municipal leaders, I think you'll find it will be a lot easier to explain if we fully fund the Homestead Exemption. 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. I will be voting for the motion Ought Not to Pass on this bill. Let's go back to L.D. 1. In L.D. 1 we had to examine the Homestead Exemption. Many of us thought it had become unfair. It was a tiered system, \$7,000, \$5,000, or \$2,500 off your property taxes, depending on the value of the house. Under that tiered system, we essentially took away almost all of the value of the Homestead Exemption for all of coastal and southern Maine. I think it was in Kennebunkport, out of 2,700 homes something around 60 of them qualified for the full \$7,000. We really did geographically take this benefit away from much of the state. In the L.D. 1 debate we examined if we should eliminate the Homestead Exemption and put it all into Circuit Breaker. A number of folks did not want to part with the Homestead Exemption. The next question was, 'How can we make it fair and how much of an exemption can we have if we lowered the reimbursement to 50%?' The answer was \$13,000. We move forward in L.D. 1 with that as one piece of the bigger puzzle, realizing that this would work very well for service centers, including coastal parts of the state, and it really wouldn't do much for most of rural Maine. We were doubling the exemption but were cutting the reimbursement in half. Didn't do a lot to lower their burden, but it was one piece of the big puzzle. We really didn't look at it as something that actually hurt them. A lot of municipal officials do not want to raise their mill rates to pay for their half of this even though it will translate, in most cases, into reductions in the homeowner's property tax. We had the town manager from Caribou tell us that this Homestead provision cost him \$350,000. When asked, 'How much are you receiving this year versus last year in Homestead reimbursements?' the numbers were almost identical. On top of that, Caribou received an added \$350,000 in education funding. From one year to the next, Caribou came out about \$350,000 ahead yet told us that this cost them \$350,000. In fact, he had statistics that showed that over 90% of his homeowners did receive property tax reductions. In that public hearing, I did ask Geoff Herman of the MMA, 'What if we increased the reimbursement some to 60% to at least make sure everyone got as much money this year as they did the year before?' His response was that it would just make matters worse because the books are settled, the budgets are set, the mill rates are set, tinkering with it now would make it worse, it's a one-time problem, it's been worked out, from here on forward everything has been adjusted and if we tinker with it now it would cause more problems. Thank you.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN**: Thank you, Madame President, men and women of the Senate. I feel like a duck out of water here because this question is one that a lot of people would say that a Democrat wouldn't ask. I'm all in favor of fully funding this. Just one small little question. Where will we get the money?

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

answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you, Madame President. I'd be glad to answer that. I want to be careful that I don't debate the improper report. The majority report, and I'll read you the summary, this amendment increases the state reimbursement for the Homestead Exemption by transfer of funds that are projected to be available in the Maine Budget Stabilization Fund and statewide deappropriations. The Commissioner of Administrative and Financial Services is directed to present legislation to implement the deappropriations. If none is presented, the Governor is directed to make curtailments consistent with the deappropriations.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Accept the Minority 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 (#212)

YEAS: Senators: BRENNAN, BROMLEY, GAGNON, MILLS, PERRY, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-306) **READ** and **ADOPTED**.

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

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

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"
H.P. 302 L.D. 399

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-553)**.

Signed:

Senators:

- BROMLEY of Cumberland
- HOBBS of York
- DOW of Lincoln

Representatives:

- SMITH of Monmouth
- O'BRIEN of Lewiston
- AUSTIN of Gray
- ROBINSON of Raymond
- RECTOR of Thomaston
- FARRINGTON of Gorham
- BEAUDETTE of Biddeford
- JACOBSEN of Waterboro

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

Signed:

Representatives:

- BERUBE of Lisbon
- CROSBY of Topsham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-553) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"
H.P. 1124 L.D. 1588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-564)**.

Signed:

Senators:

- COWGER of Kennebec
- MARTIN of Aroostook
- SNOWE-MELLO of Androscoggin

Representatives:

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

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

Signed:

Representative:

- JOY of Crystal

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-564) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities" (EMERGENCY)

H.P. 1151 L.D. 1633

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-551)**.

Signed:

Senators:

- COWGER of Kennebec
- MARTIN of Aroostook
- SNOWE-MELLO of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-552)**.

Signed:

Representative:

- TWOMEY of Biddeford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)**.

Reports **READ**.

On motion by Senator **COWGER** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-551) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Coordinated Early Childhood Care and Preschool Education in Maine" (EMERGENCY)

H.P. 1058 L.D. 1513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-507)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**.

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

READ ONCE.

Committee Amendment "A" (H-507) **READ** and **ADOPTED**, in concurrence.

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

Senator **MAYO** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 4:00 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

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

HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"
H.P. 999 L.D. 1435

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-307)** (7 members)

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

Tabled - June 1, 2005, by Senator **BARTLETT** of Cumberland

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

(In House, May 31, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307) AS AMENDED BY HOUSE AMENDMENT "A" (H-370)** thereto.)

(In Senate, June 1, 2005, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-307) **READ.**

Senator **BARTLETT** of Cumberland moved to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-307), in **NON-CONCURRENCE.**

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I'm going to speak briefly and then we'll have a longer discussion. I'm going to ask that if you don't have a copy of the bill or the amendment perhaps you take that time now to get those out and look at those. Thank you.

Madame President, may I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **WESTON:** Thank you, Madame President. This is a technical question. If Committee Amendment "A" (H-307) is indefinitely postponed, what happens to the House Amendment? I do need to speak at this time.

What you have before you is a bill that says to the people of Maine, 'We want you to save energy. We want you to buy appliances that conserve energy. But we don't trust that you will do that, so we are going to mandate that out of a list of over 15 appliances the energy star model that has a high efficiency model will be all you can buy in this state.' If you follow through, as I mentioned earlier, some of the amendments in there, you will see that there is an opportunity to do the conservation but not to dictate to the people in this state. We pass bills here sometimes that assume everyone has money, is rich, and can make those kinds of choices. On the other hand, we pass bills that assume most people are poor and need some sort of subsidy. The bill that is in front of you was amended to something that I think is workable solution. It's a carrot and not a stick. What you have in front of you, as far as the bill itself, is a stick. Imagine walking into your hardware store, looking for a refrigerator, or if you are a restaurant owner looking for a dishwasher, and finding only a few models, the most expensive models. I'm going to read to you a quote from the Public Utilities Commission. When looking at this bill in its original form they said, 'When is it appropriate for government to restrict the choices of its citizens?' I would ask you to answer that question for yourself and defeat this motion so we can go on to a better solution. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I rise to speak very briefly at this time in light of the fact that the motion on the floor is postponement. I'm doing that in an effort to come back and present a new amendment which addresses many of the problems and concerns that have been raised about this bill, including trying to develop some kind of a short-term rebate program that would provide the carrot that the good Senator from Waldo, Senator Weston, mentioned. I encourage you to support the indefinite postponement of this amendment which has a lot of problems with it so that we can go on to a new amendment and I'll speak to that when we get to it.

On motion by Senator **DAVIS** of Piscataquis, 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 Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. If you support this motion, the choice you will be left with still has the mandate. You are still restricting the choice for the people of Maine. That will be the only option left to you if you support this motion to indefinitely postpone.

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

Senator **TURNER:** Thank you, Madame President. I apologize for the confusion, but we have a House Amendment (H-370) to Committee Amendment "A" (H-307) and I thought the motion was to indefinitely postpone Committee Amendment "A" (H-307).

THE PRESIDENT: That is correct. If the Committee Amendment is indefinitely postponed the House Amendment goes with it.

Senator **TURNER**: But he is indefinitely postponing the Committee Amendment.

THE PRESIDENT: That is true. The House Amendment is attached to the Committee Amendment.

Senator **TURNER**: Okay. It looks strange on the calendar. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bartlett to Indefinitely Postpone Committee Amendment "A" (H-307). 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 (#213)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BARTLETT** of Cumberland to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-307), in **NON-CONCURRENCE**, **PREVAILED**.

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

On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "B" (S-310) **READ**.

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

Senator **BARTLETT**: Thank you, Madame President. This bill is a bill to apply energy efficient standards to a certain select list of appliances. The purpose of the bill is to first begin to start thinking about the problem it is trying to address. We have rising energy costs that we've all seen in recent months and years. What this is trying to do is help people to reduce their energy consumption, reduce their demand for electricity, and therefore, help to save their money. There is also the positive side effect of being good for the environment by helping to reduce the need for energy and reduce the need to build new generation plants that add further pollution to our environment.

The items that are on this list are a select group for which a number of criteria had to be met. First, it had to be something where there were readily available alternatives in the market. For all the products that we've listed there are readily available

alternatives. They had to be available at a reasonable cost. For all these items the pay-back period, the return on your investment of paying a little bit more up front, with most of them it is within a year, a few go beyond that, but none exceed 2 ½ years. Let me give you a few examples of the products we are talking about. Commercial clothes washers, commercial ice makers, commercial refrigerators, exit signs, external power supplies, large package commercial air conditioners, low voltage distribution transformers, metal halide light fixtures, pre-rinse spray valves, reflector lamps, torchiere lighting fixtures, traffic signals, and unit heaters.

There were a few items in this bill that many of us had concerns about. What my amendment seeks to do is to remove them. One is ceiling fans. There was concern that these were perhaps too expensive for the cost saving that would result. We also reduced residential oil boilers and furnaces and residential gas burners and furnaces. Again, those two items were the ones with the longest pay-back periods. Those went out to about 3 years.

What we tried to do is narrow this down to a narrowly tailored group of products that are already being phased out of the market. With most of these products the vast majority of the market is already buying the efficient appliances. What we are trying to do is to tip the market the rest of the way. The purpose of doing that is in large part because what we've heard from people is the reason they have not bought these energy efficient appliances because they didn't know. A number of people came to us and said, 'We asked questions about energy efficiency and we were not given the full range of alternatives when we were purchasing these products.' What this bill is trying to do is move us down that road. These are being phased out anyways, these are the most inefficient products on the market, and let's phase some of these out.

A few other important points to make about this amendment. One concern in the original bill was that the PUC could add items to this list and there was concern that there may not be sufficient legislative oversight. Our amendment addresses that by removing the authority of the PUC to unilaterally add new items. Therefore, the only way anything is going to be added is if it comes back through the legislative process. There was also some concerns raised at the public hearing about whether we could do this if other states were not going along. One of the provisions of the bills says that the standards would not go into effect until 2007. If at that time there are not at least three states that have equivalent standards the PUC can report back to us with emergency legislation to suspend the effective date of this bill. Again, we are trying to deal with the criticisms and the concerns that were raised by making sure that we are not going out on a limb. It's also important to recognize that many other states have already imposed standards, one of the recent ones being Arizona who has a Republican Governor. These are widespread throughout the country. This is not something Maine is doing alone. It is part of a comprehensive effort to help reduce energy consumption in Maine. If we really want to be energy independent, if we really want to reduce our demand on fossil fuels, the way to do it is to take sensible steps by getting rid of products that are highly inefficient and that substantial portions of the market are already shifting away from. All we are trying to do with this bill is hasten the demise of some of these highly inefficient products. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. If these appliances are going to be phased out, if there are no states in New England who have the same standard, if we're going to wait until there are three more, if this is going to raise the cost for poor Mainers to buy appliances, than why are we doing this now? Isn't it reasonable to say that this is tipping it too far? Isn't it better to say to wait and see? The cost efficiency is not as great. In fact, some of the pay-back periods I actually do question. Is this the time to say to the poor guy who wants to buy a refrigerator and finds one at 85% efficient but Maine says it has to be 96%, at a much higher cost. I would just ask you to be reasonable. Let's follow and look at a few other states. There are many who had this same legislation who refused it. Colorado, Maryland, if Arizona did I was unaware of that, but if they did they are probably the only state. This has a rebate program, that's true. The rebate ends, the mandate stays, in 2 years. I'm just asking us, as a group of Mainers who we know have to struggle at times, to put this decision off. Let's wait and see some other states take the lead. If it's going to cost the people of Maine more money with questionable energy efficiency savings, then what is the rush? If we had such concerns that we had to pull some things off the list, then I'm going to ask you to pull them all off. If we could have looked at the amendment from the House, you would have seen a reasonable, rational rebate program without the mandate. What we have before us is the mandate and a 2 year rebate program that goes away. Thank you.

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

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. I want to address this from a couple of perspectives, but primarily as a small businessperson in the State of Maine. First I want to correct a few facts. The State of Connecticut, one of our neighbors here in New England, is already on board. Other neighbors, Rhode Island, Massachusetts, and Vermont, are all considering similar legislation. I think by the time the deadline in the bill rolls around we're going to have three other states in New England alone on board. I just want to point out one handout that went around. It's a little yellow handout with a couple of businesses on it. One side talks about a construction company who currently bids on projects. Because they are doing bids on projects, they tend to buy the least expensive appliances, even if it's just a few dollars less expensive. By requiring that we have high efficiency appliances on board and required in the State of Maine, we're going assure that these are going to get built into our homes all across the state. On the backside of this handout is another inn somewhere in the State of Maine. It's not myself. Another innkeeper. This summarizes the core of this bill for me, as a businessperson. It's not only good for the environment, it's a way we're going to address climate change in the State of Maine by reducing our energy consumption, but it's also good for business. The pay-back periods for the appliances listed in the bill range anywhere from an immediate pay-back to less than 3 years. Yes, there may be a slight additional cost up front for buying equipment, but it's going to mean money in the pockets of our small businesses after no more than a 3 year period. The

Sudbury Inn, the handout that went around to you, actually saved enough in utility costs by buying high efficiency appliances that they were actually able to hire another person. I think that's wonderful for private enterprise. I think it builds jobs in the State of Maine. This helps address climate change, it's good for business, and it's also good for our environment. I hope you will join me in supporting the pending motion.

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

Senator **BARTLETT:** Thank you, Madame President. I also rise to correct a couple of misconceptions about this bill and the amendment. First and foremost, this does not deal with residential refrigerators or, in large part, any residential appliances at all. There are a couple, torchiere lighting fixtures for example. Those, however, save \$36 a year in energy. You get a return in you investment in just 6 months. By in large, we are not talking about the average consumer going out and purchasing products. We're talking about larger items. Things like the commercial refrigerators and freezers, like large package air conditioners. There are also some little things like pre-rinse spay valves. You pay an extra \$5 and save \$380 a year. A good deal. We think these are decisions that the market would be making if people were informed. What we have in this case is a situation where people are not being adequately informed of the savings they get. Perhaps you are thinking about getting a commercial refrigerator and say, 'Just put something in. Put in the cheapest thing you've got.' You are then relying on whoever is selling you that product to come and tell you that if you spend an extra \$100 you could reap enormous savings in the first year alone. If people knew and had these decisions to make, particularly businesspeople, and understood the return they are going to get in anywhere from 6 months to 2 years, they would make this investment. It's a very small up-front cost.

In terms of the rebate program, recognizing the importance of providing some of the incentives that the Senator from Waldo, Senator Weston, mentioned, I included in this amendment a rebate program. For all the products on this list there will be \$500,000 set aside in order to provide rebates. There is a cap on the length of time. The rebates would be available through 2008. That would give you a substantial amount of time. If this is something you are concerned about, you have a substantial window in which to take advantage of these rebate programs and face no up-front costs at all and still reap all those energy savings. We're tried to address this in a responsible way that allows and provides a rebate for those who may be struggling, who may not have the extra \$100 or \$200 to spend on an item. At the same time we put forward responsible standards that will reduce energy consumption dramatically. In our committee we talked a lot about the concern about rising energy prices and the concern about where our electricity is coming from. What this does is take an enormous step forward in helping to reduce energy consumption, that saves individuals and businesses money on their bottom line, but also helps to reduce the overall demand for electricity. Those are two worthy goals and I would urge you to support this motion.

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

Senator **COURTNEY**: Thank you, Madame President, men and women of the Senate. I've heard some interesting comments here with regards to the market and the savings out of this. I guess it would seem to me it would make more sense, perhaps, if the savings are so great, why not let the market implement this? This will happen. This is inevitable if the savings are as great as we're hearing. I'm just a little uncomfortable with the state dictating what appliances you should buy and how you should buy them. I think it does put us at somewhat of a competitive disadvantage if you limit your choices. You only get a limited number of choices and naturally that is going to increase the cost. Thank you, Madame President.

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

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN**: Thank you, Madame President. The \$500,000, could someone tell me where that will be coming from?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT**: Thank you, Madame President. The money is coming out of the Efficiency Maine programs. In part Efficiency Maine is already doing some of this. A number of these products are already eligible for rebates. I should mention that those that are eligible for rebates will continue to be eligible past that 2008 sunset on the rebate program. We just expanded it, essentially, during that interim. This was a compromise that we made because we felt it was important to provide rebates to those individuals and businesses who may need them.

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I thought I'd begin by trying to alienate some members of the opposite party by letting them know that I favored drilling oil at ANWR. To further compound the problem, I also favor nuclear power. However, to try to make amends to the other side of the aisle, I also happen to favor this bill. I think the points made by the good Senator from Cumberland, Senator Bartlett, are compelling. This is a culmination of a carrot and a stick. I think it warrants our consideration. Like many on this side of the aisle, I am disdainful of intervening in markets. Frankly, if we are completely honest with ourselves, whether we are Republicans or Democrats, there is almost no pure market anywhere in the United States for anything. We intervene with incentives of all types, whether those are tax incentives or special legal considerations or the like. I think this is a reasonable small step for us to take. I know lots of small business owners, many of

whom are very hard pressed to take the time to do the analysis and very often are going to go to the quickest, cheapest thing to solve the problem. I think the incentives associated with this particular program will turn on a light bulb, to use the phrase, and give somebody an opportunity to say, 'Maybe I should spend a little bit more because I'll get a little bit back right off the bat in terms of rebates. By the way, if I take two minutes to listen to the salesperson, I'll realize that I may have an appliance that lasts for 10 years with a simple pay back period incrementally over the alternative of a year or less.' When you get to year 2 or year 10 in that example, that money goes right into your pocket, or as possibly suggested by the good Senator from Kennebec, Senator Cowger, you may be able to invest that into hiring additional employees to take care of your customers who will be coming to your establishment. I would encourage members on both sides of the aisle to support this bill. Thank you very much, Madame President.

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

Senator **PLOWMAN**: Thank you, Madame President. I really object to having to pay a higher electricity bill so that money can go into a fund so that I can apply to get it back because I'm mandated to buy an energy efficient appliance by the state legislature. Are you following that, because that's kind of what I just figured out when I looked up Efficiency Maine. It's a tax, although I'm sure we don't call it a tax, on everybody's electric bills that goes into this fund. I wonder if it can actually be swept, because I know there are some people around here that are looking for money. Anyways, there is \$500,000 in here set aside for this. If our electric bills are too high, and you are trying to save me money, start with not asking me for the money in the first place, back off from some of these social programs that we are funding with our electric bills that have nothing to do with how much I use or not, and don't try to sell me on the fact that you are going to give me some money back because you told me I have to do something. That sounds convoluted. You know why? Because it is. If we'd stop running money through one account, in and out, we could save some of the processing costs, I guess. I'm one of those free market people. If the market can stand it then people will find what they want. If they want to go the extra mile, they will. I know this only reflects on businesses and that's supposed to make it better. I'm not sure how it makes it better, but that is what I've heard. We're mandating another cost on business and you can apply to get it back because we've already scraped it out of your account on your electricity bill. Gosh, if you guys keep taking of me like this I just can't imagine what I would do without you. Thanks.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO**: Thank you, Madame President, ladies and gentlemen of the Senate. I would like to pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SNOWE-MELLO**: Thank you, Madame President. How much will this cost a small appliance store, such as like in Auburn, that operates on a very slim margin? This store, at this time,

offers a variety of choices to its customers, from the low scale to the upscale. How much will this cost that small store that's struggling to survive?

THE PRESIDENT: The Senator from Androscoggin, Senator Snowe-Mello poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President. Well, frankly I'm clueless, but it won't prevent me from trying to answer the question. I can only surmise the hypothetical appliance store in Auburn is for residential activities as opposed to commercial activities. You would not apply in this particular case. I would say it is not applicable.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. Whenever we chose not to do something in the legislature we accumulate a number of buzz words. Top on the list is mandate. Call it a mandate, can't do it. Next on the list is interfering in the market place. Free enterprise will be compromised. Government intrusion. Government intervention. Bad thing, shouldn't do it. Consumer chose is another very popular buzz word. This is going to interfere with consumer chose, bad thing to do. Shouldn't have that. If we really, really want to defeat something we bring out the tax. It's a tax on people. Even better yet, if we want to really go after it, we say it's a hidden tax. It's a tax you're not even going to see. That's the way we kill things off. That's the way we preserve the status quo around here. We start to label things. Mandates, taxes, and interfering with private enterprise. We preserve the status quo. What we have here, and in the good words of the Senator from Cumberland, Senator Turner, is a modest proposal to move forward. A modest proposal to move forward. I think anybody that was listening to the good Senator from Cumberland, Senator Bartlett, recognizes this is a well crafted compromise, a thoughtful compromise. If we put aside all the buzz words around mandates, taxes, and infringement on free enterprise and consumer choice, and we look at what this does, which is nudge us from the status quo from energy dependency to energy independence, this is certainly something that deserves all our support. I hope that you will support the current motion.

One last parting comment, I truly appreciate the support that the Senator from Cumberland, Senator Turner, is giving to this bill. I think this only partially relieves the guilt that he must feel for being willing to drill in the artic.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bartlett to Adopt Senate Amendment "B" (S-310). 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 (#214)

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

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

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **BARTLETT** of Cumberland to **ADOPT** Senate Amendment "B" (S-310), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-310), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

H.P. 653 L.D. 934
(C "A" H-504)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-504)** (3 members)

In House, May 31, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, May 31, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504), in NON-CONCURRENCE.**

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

On motion by Senator **NUTTING** of Androscoggin, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE.**

(See action later today.)

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee"
S.P. 343 L.D. 1003

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-295)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - June 1, 2005, by Senator **SCHNEIDER** of Penobscot

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

(In Senate, June 1, 2005, Reports **READ**.)

On motion by Senator **SCHNEIDER** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Delay the Implementation of the Increase in the Homestead Exemption"

H.P. 1139 L.D. 1616

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

Signed:

Senators:

- PERRY of Penobscot
- COURTNEY of York
- STRIMLING of Cumberland

Representatives:

- HANLEY of Paris
- McCORMICK of West Gardiner
- WOODBURY of Yarmouth
- CLOUGH of Scarborough
- PINEAU of Jay
- HUTTON of Bowdoinham

- SEAVEY of Kennebunkport
- WATSON of Bath
- BIERMAN of Sorrento

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-606)**.

Signed:

Representative:

- CLARK of Millinocket

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Creating a Working Group To Study the High Rate of Suicide in Maine (EMERGENCY)
S.P. 422 L.D. 1208

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-308)**.

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

READ ONCE.

Committee Amendment "A" (S-308) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

H.P. 815 L.D. 1186

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

Signed:

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-528)**.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representative:

SHIELDS of Auburn

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**.

Reports **READ**.

On motion by Senator **MAYO** of Sagadahoc, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-528) **READ**.

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

Senator **TURNER:** Thank you, Madame President. I have an amendment to this and I would like to table it until that comes back from the Secretary of the Senate's office.

On motion by Senator **TURNER** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-528), in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the Measurement of Firewood"

H.P. 1005 L.D. 1441

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

Signed:

Senator:

DOW of Lincoln

Representatives:

AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
FARRINGTON of Gorham
BERUBE of Lisbon
BEAUDETTE of Biddeford
JACOBSEN of Waterboro

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

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York

Representatives:

SMITH of Monmouth
O'BRIEN of Lewiston
CROSBY of Topsham

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

Reports **READ**.

On motion by Senator **BROMLEY** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE**.

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:

Act

An Act Relating to Disclosures in Political Advertising
H.P. 771 L.D. 1118
(C "A" H-451)

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on 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

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

Signed:

Senators:
PERRY of Penobscot
COURTNEY of York

Representatives:
HANLEY of Paris
McCORMICK of West Gardiner
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
CLARK of Millinocket

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-533)**.

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
WOODBURY of Yarmouth
WATSON of Bath

Comes from the House with the Reports **READ** and the RESOLUTION and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Reports **READ**.

On motion by Senator **PERRY** of Penobscot, RESOLUTION and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Board of Trustees of the University of Maine System To Institute a Statewide Sports Program

S.P. 453 L.D. 1326

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-273)** (6 members)

In Senate, May 31, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-273)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **MITCHELL** of Kennebec, the Senate **INSISTED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restore Funding for the Reading Recovery Program"

H.P. 1138 L.D. 1615

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-464)** (8 members)

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

In House, May 25, 2005, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**.

In Senate, May 31, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **MITCHELL** of Kennebec, the Senate **ADHERED**.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Include Regional Transportation Systems under the Maine Tort Claims Act"

H.P. 629 L.D. 910

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Wraparound Services for Children in Need of Care"

H.P. 614 L.D. 863

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-610)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-610)**.

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

READ ONCE.

Committee Amendment "A" (H-610) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Amend the Child and Family Services and Protection Act"

H.P. 918 L.D. 1320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-611)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611)**.

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

READ ONCE.

Committee Amendment "A" (H-611) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks"

H.P. 1083 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-612)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-612)**.

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

READ ONCE.

Committee Amendment "A" (H-612) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Improve Child Support Services"

H.P. 1125 L.D. 1589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-613)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613)**.

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

READ ONCE.

Committee Amendment "A" (H-613) **READ** and **ADOPTED**, in concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.C. 274

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

June 1, 2005

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

Dear Madam Secretary:

In reference to the action of the House on March 24, 2005 whereby it insisted and asked for a Committee of Conference on Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield (H.P. 164)(L.D. 213), ten legislative days having passed without the committee submitting a report as required pursuant to Joint Rule 352, I am hereby returning LD 213 to the Senate to be placed in the legislative files.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

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

ORDERS OF THE DAY

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

Bill "An Act To Fully Fund the Homestead Exemption"
S.P. 602 L.D. 1625
(C "A" S-306)

Tabled - June 1, 2005, by Senator **DAVIS** of Piscataquis

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, June 1, 2005, Reports **READ**. The motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**. The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-306) **READ** and **ADOPTED**. **RULES SUSPENDED**. **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

With reference to the action of the Senate whereby it **INSISTED** and **JOINED** in a **COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

H.P. 653 L.D. 934
(C "A" H-504)

The Chair appointed as conferees on the part of the Senate the following:

Senator **MARTIN** of Aroostook
Senator **NUTTING** of Androscoggin
Senator **RAYE** of Washington

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 **JUDICIARY** on Bill "An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens"

H.P. 732 L.D. 1079

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

Signed:

Senators:

HOBBS of York
BROMLEY of Cumberland

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-581)**.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner
NASS of Acton

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

Reports **READ**.

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

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

The President appointed the Senator from Kennebec, Senator **MITCHELL**, to serve as President Pro Tem for the session on Thursday, June 2, 2005.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, June 2, 2005, at 10:00 in the morning.

Off Record Remarks