

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

In Senate Chamber
Wednesday
February 8, 2006

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

Prayer by Reverend Canon Henry Male of St. Barnibus Episcopal
Church of Rumford.

REVEREND MALE: I want to begin by first saying thank you for
inviting me back. That says something. You weren't sure what
you heard before. I am honored to be here.

I want to make a couple of comments before I have the
prayer for you. I would say variety is the spice of life. As I look
out I appreciate that. I can recall as a child, growing up in an area
which is not in Maine but from away, variety is the spice of life
meant everybody; poor, rich, middle income, everybody. Those
who hurt, those who didn't hurt. It was easier then, you know
that. It was 12¢ or 13¢ a gallon for gas. Out of this world, isn't it?
When you got \$1 worth you got a lot of gas then. You get gas
now for other reasons. Anyways, times have changed and we
can no longer do that. When we come from any place, we come
a long distance. I'm here today and I consider that to be an
honor, as I said. Variety is still the spice of life and present today
I'm sure there are Democrats, Republicans, Independents, and
maybe Libertines. I don't know that, but I'm just saying there are
a lot of people here and there are various religious persuasions
present. What I am going to say in a minute in my prayer, what
I'm saying now bears witness to it.

None of us have the absolute truth. That's a shocker. We
have to know whether we are a faith community, politically
oriented, or whoever we are, no one has the total claim to
knowing everything. Our legislators, especially you, the members
of the Senate, have an awesome responsibility, one which,
regardless of your thinking, demands you to be concerned about
all people, not one particular person or group. That's quite a
charge and a demand on your life. When making decisions, I
would encourage you to bear in mind that the community which
you represent and serve is made up of a lot of small communities
of people. You must remember that this is a variety too.
Therefore, not one of them is absolutely right nor are you or I.
We share in the process of becoming right. We share it. John
Donne, a cleric of the 1600's, once said, 'No man is an island.'
That is very profound. With that in mind, because it is still true, let
us pray.

Almighty God, source of all that is good, all that is holy, be
with our Senate members in all of their deliberations. May they
have a clear vision of a new time and may they be constantly
aware that they are called to serve all persons, both rich and
poor, in order to bring about a more caring and reconciling
society. In all their deliberations may they keep in mind that it is
through collaborations with diverse members of the State of
Maine, and the wider society which it represents, that they can
accomplish all things to bring about a just and loving society.

May we work together for the betterment of the State of Maine.
All this we ask in Your most holy name. Amen.

Doctor of the day, Dr. John Tyler of Blue Hill.

Reading of the Journal of Tuesday, February 7, 2006.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 491

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

February 3, 2006

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 1803 An Act To Create a Maine Agricultural Water
Source Development and Management
Program
- L.D. 1841 An Act To Allow the Use of Fallen Apples in
Apple Cider

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. John F. Piotti
House Chair

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

The Following Communication: S.C. 490

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

February 3, 2006

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 1821 An Act To Authorize Flexibility in School Attendance Requirements in Emergencies
- L.D. 1826 An Act To Clarify Provisions Governing Technical Education
- L.D. 1843 An Act To Require Legislative Approval of Changes Made to the Educational Assessment Testing

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 489

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

February 3, 2006

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 354 An Act To Give Moose Permits to Members of the Wesget-Sipu Organization
- L.D. 1724 An Act To Control Alcohol in the Maine Woods
- L.D. 1877 An Act To Protect the Water Quality of Colcord Pond and Bickford Pond in Porter
- L.D. 1895 Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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

The Following Communication: S.C. 488

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

February 3, 2006

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 1788 An Act To Confirm the Authority of the City of Saco To Acquire Extraterritorial Facilities
- L.D. 1918 An Act To Create a Self-insurance Pool for Land Crossing State-owned Railroad Tracks

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

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

SENATE PAPERS

Bill "An Act Amending and Restating the Charter of The President and Trustees of Colby College"

S.P. 774 L.D. 2012

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and Senator: MITCHELL of Kennebec, Representatives: MARRACHÉ of Waterville, NUTTING of Oakland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator MITCHELL of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Name of Little Island to Chickering Island"

S.P. 741 L.D. 1942

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish the Athens Standard Water District"

S.P. 657 L.D. 1740

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-444).**

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

READ ONCE.

Committee Amendment "A" (S-444) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House As Amended

Bill "An Act To Prevent the Introduction of Chronic Wasting Disease" (EMERGENCY)

H.P. 1272 L.D. 1832
(C "A" H-742)

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

Senate

Bill "An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness" (EMERGENCY)

S.P. 655 L.D. 1738

Bill "An Act Regarding Licensure Requirements for Nurses"

S.P. 669 L.D. 1752

Bill "An Act To Address Emergency Licensure Procedures"

S.P. 673 L.D. 1756

Bill "An Act To Amend the Debt Collection Law"

S.P. 721 L.D. 1804

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

Sent down for concurrence.

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

ENACTORS

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

Act

An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account

S.P. 648 L.D. 1694

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/26/06) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing The Lewiston High School Boys Cross-Country Team

SLS 909

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

Pending - motion by same Senator to **PASS**

(In Senate, January 26, 2006, on motion by Senator **ROTUNDO** of Androscoggin, **READ**.)

READ.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I am proud to call attention to the Lewiston High School Boys Cross Country Team who won the 2005 Eastern Regional Championship. This is the first in the school's history that the team has won an Eastern Regional Championship. I commend the team and its coach for their determination, hard work, and athletic talent that has led to this wonderful accomplishment. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Lewiston High School Boys Cross Country Team, Eastern Regional Champions 2005, and their coach, Ray Putnam. I'm going to read your names, would you stand as I read your names. Anwar Mohammed; Robbie Leaman; Tom Carr; Jeff Lucier; Abdirizak Mohammed, who is also known as Speedy; Matt Bouchard; Jason Robustelli; Mohammed Mohammed; George Foster; Josh Smith; Matt Driscoll; and Bashir Mohammed. Some family members are also here. Nancy Rotustelli, Pan Newton, and Paul Driscoll. Would you all please rise and accept the greetings of the Maine Senate. Our congratulations go out to you.

The Chair laid before the Senate the following Tabled and Later (1/31/06) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Standardized Testing in Maine" (EMERGENCY)

S.P. 715 L.D. 1798

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-436)** (3 members)

Tabled - January 31, 2006, by Senator **MITCHELL** of Kennebec

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

(In Senate, January 31, 2006, Reports **READ**.)

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

Off Record Remarks

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. Briefly, I was a sponsor of this bill and I just want to make a couple of brief comments as a sponsor of the bill. Clearly, I respect the decision that the Education Committee has arrived at. I don't necessarily agree with it but I certainly respect the decision they have made. I do want to point out that this particular issue regarding standardized testing is driven again by No Child Left Behind. I'm not sure that we'd be sitting here, in this particular instance, having this discussion about this bill, or the discussion the Education Committee had, if it were not for No Child Left Behind. I think it's another example of where No Child Left Behind is in fact driving state policy. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President and distinguished colleagues in the Senate. With all due respect to the Senator from Cumberland, Senator Brennan, this is one Senator who would have voted for this bill with or without No Child Left Behind. This bill would stop a test that all high school juniors will be taking on April 1st. First of all, it is February and you might notice this test is planned for April 1st. That is not even the point. I'm opposed to this bill because I'm not satisfied with the rigor of the education our high school students are receiving. Opponents of the change to the SAT say, 'Don't give them this test, it doesn't measure learning results.' This is not the SAT that you took when you tried to get into college, and hopefully, most of you were successful with that version. It is one that does indeed track learning results and it also measures our students on a national standard. We know how they are competing nationally as well as in the state of Maine. I think there is a new movement afoot in the state of Maine to say to all of our high school young people, 'You can do it, you can go on to higher education.' If you talk to many of the high school students around the state you will see that they don't get all excited about the four day testing they go through with the MEA, but they all understand the importance of the SAT. It is our hope that we will stretch their horizons and that we can work harder and high school curriculums will suddenly become more rigorous because everybody will be taking Algebra II. One guidance counselor spoke at our hearing and talked about those who are self-selected for the SAT. I hope I live long enough to never hear a guidance counselor talk about people self-selecting themselves out for going on to higher education. I believe that is an opportunity for all of our students, whether it is a community college or the university, the military, or whatever else. We want to give them a rigorous education. I, with all due respect to the Senator from Cumberland, Senator Brennan, believe that the SAT is a step along that path of raising standards for all Maine young people. This bill is almost irrelevant, I must say, because the test is scheduled for April 1st. If we are trying to make a statement, that's fine, but I would encourage you to vote with me against this bill and make the statement that all Maine kids are worthy of higher education and we want a more rigorous high school education for them all. This is an opportunity to make a good statement by voting Ought Not to Pass.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I really hoped this morning I was going to be able to stand with full agreement with the good Senator from Cumberland, Senator Brennan, because I am on his side. I do disagree that this is driven by No Child Left Behind. I would offer that it's being driven by dollars being flowed or directed by our very own Department of Education. That's where I would look for answers.

With regards to wanting more rigor, as far as we are looking at rigor, we know that our MEA standards are not being met by almost 74% of our students. I would say, does this mean that it's too rigorous? If that is the case, why are we switching to an SAT that is already being taken by 75% of our kids? I think that the discussion has gone in circles and we haven't truly answered the

why for this switch. I would have hoped that this discussion would have been fuller and questions would have been answered. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. I am going to support the Ought Not to Pass report. However, I am upset that I need to vote in that way. There is nothing teed up for our 11th graders at this time. There is nothing on deck. I do believe we have been backed into a corner. Wittingly or unwittingly, it doesn't make any difference. I think there needed to be more input. I think stakeholders needed to be there and not done during the summer. I am going to support this because it is too late, and for the good of our kids, we need to be sure that we have an 11th grade test that we can administer. I am just terribly disappointed in the process, but as disappointed as I am, it would be irresponsible, in my opinion, to support it. My statement is on record that I'm unhappy with the way it is, not because I disagree with the SAT necessarily, but I think there are some serious policy issues to consider. I think we needed time to talk about it. It's being offered on a Saturday and the make-up is on a Saturday. In order to be tested thoroughly, there has to be a 95% attendance on a Saturday. That makes it real difficult. When we make this contact we will get an SAT prep course for our students. There are a lot of issues. Time is at a point here that we've reached the point of no return. I am disappointed, however I will support this motion because I feel it is in the best interest of kids, at this point in time, to do that. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. This is one less hurdle, taking the SAT to opt-in for higher education. It is one less expense for those students who otherwise might not pay for the exam. This is a number of fewer days, actually, in testing, which is what many people in education had requested. This is a bold step forward to help students break the barrier to achieving a higher education degree. Often times we ask departments to take these bold steps and then we want to, all of a sudden, put the breaks on. I commend the Department of Education. I do not believe this is in any way driven by financial reasons. This was a bold step that we, in the Education Committee, and I take responsibility as well as my colleagues for making this decision, to try to help move Maine forward by allowing people the opportunity to go on to higher education. I stand in full support of the Ought Not to Pass. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I don't know who else in this body had administered an MEA exam or conducted a SAT preparation course. I did for years. I would say to all of you that the concern that I have for the Scholastic Aptitude Test being applied to all 11th graders in the state of Maine is that you actually are setting up a portion of the 11th grade population for failure when they go through the door. The SAT measures a specific area of content.

It is designed specifically for those who wish to attend, or are considering attending, a four-year institution. The MEA certainly is not perfect. In fact I strongly believe the only way you will assess people accurately is if you do it on an individual basis with a plan for each student. I'm also concerned in this bill that we are asking the legislature to have oversight over the assessment process. I don't think that this was our designed purpose from the beginning. I'm going to support the good Senator from Cumberland, Senator Brennan's notion that the SAT is not the exam to be administered to the 11th graders of the state of Maine. I think you are going to find that the result of this is going to be that 11th graders are going to go into this exam, those who choose to attend on a Saturday, which is an interesting proposition in itself, are going in with no opportunity to be successful. Maine needs to arrive at a point in time when we're not wondering and planning for our own success but for the success of the individual student. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I'm not an expert on the educational process and the assessment process, so what I did is I called my Superintendents and received some responses. One of the responses I received was from Suzanne Lucas, the Superintendent of SAD #6. She's quite concerned with the direction it appears that we are going and how they have invested so much time and energy into implementing this system and worked towards the Maine Learning Results only to see this legislature say, 'Well, we can't make it, we can't get there, so let's stop and let's go to this other test that may save a few dollars.' I'm concerned, and I'm concerned for her and all the Superintendents, as we go forward. How do they get their staff to invest and make the commitment into implementing the changes in education that we need? I think we're not at the point where we can throw our hands up and say, 'Let's go over to the SAT.' I think it's a little bit more complicated than that. Thank you, Madame President.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. Very briefly in response to comments that I have just heard. In response to the Senator from Franklin, Senator Woodcock, setting students up for failure. I'd like to address that for just a moment. Many people thought giving students in Maine the PSAT, which is that Preliminary SAT, would drag our state average down because everybody shouldn't be taking the PSAT. As a result our point scores went down only 2%. Our students might surprise you. Should we be telling our students that they don't have to strive for higher standards? I don't think so and I'm confident that is not what you meant because you spent a lifetime as a wonderful teacher in your community.

The other issue concerning Superintendents. The Superintendent's Association supports the change, albeit perhaps reluctantly and with concerns like you have raised. Let's talk about the Learning Results for a minute, less anybody be confused. This in no way represents a retreat from the Learning Results. I think people are confusing the local assessment test

with the MEA. The MEA is a standardized test that we pay to have some out-of-state firm develop. The SAT is one that is more national and one that we can use for standards. It does mirror Learning Results. There is no one that I know of on the committee that I serve who thinks we are abandoning the Learning Results. It's still very important. It's a work in progress. We do have issues out there with over testing. I think if we reach the point where testing becomes the end rather than the means to get somewhere, that's when we go off track. Talk to your local teachers. Talk to your local students. Ask them how they feel about being tested, tested, and tested. We have to make tests meaningful. The SAT is meaningful. Students know that it's a ticket to higher education. Instead of paying an out-of-state vendor for a test that is just used to measure somewhat in schools, we're paying the same fee for these students, who no longer have to pay the fee to take the SAT. It's paid for by the state instead of the former fee that we paid to the out-of-state vendor and they have a ticket that will open the door to higher education.

As you are thinking about this, even though I feel somewhat odd debating this because this test is going to take place on April 1st unless we have a 2/3 vote to stop everything and then there would be no test because there is no MEA prepared for this year. Let's deal with the reality. We're talking symbols here. It matters a great deal how you vote on this issue because I think voting to allow our students to take the SAT is a vote of confidence in them. It is not a matter of saving money or anything else, it's a matter of saying our students deserve the very best and that's why I think the Ought Not to Pass on this bill is important.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I don't mind that everyone be required to take an SAT test, but I don't think it ought to stop there because SAT tests are not really designed to measure school performance or student performance. There isn't an educator in the state or anywhere that realizes that there are many students that just do not perform well on SAT tests because they are not designed for everyone. As a matter of fact, I have a step-daughter that took SAT tests. She doesn't know I found the results, she didn't dare show them to me because they were horribly low. Knowing I was an old school teacher, she didn't, and to this day, show them to me and doesn't know that I saw them, unless she's listening to this testimony today. I'm not going to mention it to her. The reason I'm not going to mention it to her is because she's a senior at St. Joe's. Last spring semester she had straight A's. She took a course this summer and got an A. She just completed a semester in Denmark successfully as part of her program. Regardless of what we do with this bill, this SAT test is going to take place this spring anyways because it's too late to make changes. I just want us to think that we need to stop there. There are other things that we need to do to test and we've got to get out of the idea that we're testing communities and schools. They are not the ones that are in competition. We need to test student performance. There are tests out there and some of the schools in this state are using them now to test student performance. Not only that, but they are one day tests. They get the results back within 24 hours. They allow schools flexibility to use the tests up to four times a year if there are students that are questionable about their progress so they can

continue to measure and help out students in the future. I am not satisfied that this is the route to go. I know that it's going to take place. I hope that we have discussions in the future on some better and more proper testing programs for our students in the 11th grade. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. It's always scary when you have 186 people who are expert on something. We've all been in school, so that makes us all experts. Probably before we vote on this bill we'll hear from all 186. We may have to invite the other chamber down to help out with that number. I'm supporting the motion on the floor. I believe the MEA in the 11th grade is flawed. Its acceptance by the students is very questionable. I happen to represent a gold coast community where virtually 100% of the kids take the SAT. I will tell you, unequivocally, they are all interested in it where as a four day MEA test at the 11th grade does not have their attention. Part of what we have to be doing is two things. First, this bill would have taken the authority away from the Commissioner to make the decision. I think that is bad policy. Secondly, we have to accept some reality. What works and what works less well. In this case it is my opinion that the SAT works better. When you step back and look at what it is we are trying to do to prepare our students for the 21st Century, we want them to be able to, with rigor, aspire and be successful beyond the high school. In my opinion, there is no better measure of that, regardless of the content in your individual school, than the SAT. Reflecting, what is it we want to be happening? We want our children to engage in education beyond high school. That is what this is all about. When all the dust settles around the Maine Learning Results, we want them to engage in higher education because it will be beneficial to us as a society, and to get selfish about it, it is financially beneficial to our students. There is only really one viable choice that we have, given where we are with the Maine Learning Results and the reality of what's going on in the minds of our students, and that is to accept the motion that's before us today. I urge you to do that. Thank you very much, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I'm pleased that I was able to wait to follow the remarks of the Senator from Cumberland, Senator Turner, because I couldn't agree with him more. As someone who has participated in a high school, presently teaching at the University, as Director of Admissions at the University for a brief time, and also being involved with being on the School Board taking a look at the MEA and the results of the MEA, if you were to spend some time looking at the questions you would wonder whether or not we are simply teaching to get to that point because the questions are pre-set. The difference we have with the PSAT and the SAT is that no one has a clue of what's going to happen. The reason why I was one of those very hesitant about supporting the Commissioner on this issue was because I thought it was going to be a problem. The more that I thought about it, something arose in my mind because most of the people in my district take the SAT in the 12th grade. First time they have ever taken an SAT.

They are inexperienced. They have no idea what they are getting into. Now, if administered in the 11th grade as a PSAT, they will have a model that they can now use to figure out what they are going to end up with when taking the 12th grade exam. That, to me, is absolutely critical to people, especially in my area where applicants to a university are often first time applicants in the entire family. This provides the ability for them to see what's coming. Also in addition to that, the PSAT and the SAT actually have something that the MEA never had. That, to me, was measuring the ability of people to think, not simply to remember things. To me, that is absolutely critical if we are interested in how students are going to behave and how the student will perform in college. It is also noticeable that many of the institutions, universities, and colleges around this country don't rely on either ACT or the SAT for admittance. They use them as a guide and they use them with other factors. Students need not worry as to how poorly they might do on an SAT. They need to look at how the entire student is going to perform at their university or college. In the long run, that's what we ought to be educating in this country, not simply people who feed in and feed out. We need to be educating individuals to think. That, to me, is where we ought to be going. I can tell you, I want you to go to your Superintendent and ask them to take a look at the MEA figures, questions, and results. You tell me whether or not that measures student performance. I was one of those very hesitant about the MEA way back when a former Chief Executive pushed it on this state. Now I'm more convinced than ever that we are simply testing for the sake of testing. That, to me, is a real mistake.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I confess. I think I was too polite in my previous comments. I don't intend to be now. The SAT is a bad test and this is a bad decision for the state of Maine. Let's talk about trends for a minute. The good Senator from Aroostook, Senator Martin, just talked about those trends. There are more universities across the country that are contemplating getting rid of the SAT because they recognize that it is such a poor predictor of college performance and aptitude that they don't believe they are worthwhile. At the University of California system, the Chancellor has suggested the whole University of California system abandon the SAT because it is such a poor predictor of how students might do when they get to the university system. Bates and Bowdoin in Maine do not require the SAT. In fact, Bates has done a latitudinal study showing there is almost no difference between those students who take the SAT and those who don't in their performance at Bates.

Several people have talked about rigor. Let's talk about rigor for a minute in regards to the SAT. The SAT is a test that has to do with strategy. There are people in this state that make money, work full-time, to teach students how to do better on the SAT. Do you know what they teach those students? How to avoid the hard questions. How to go through the test and identify those questions that are most difficult because you don't get a lower grade for answering the difficult questions, you get a higher score by how many questions you answer correctly. This is great. We will have a rigorous test where there will be a strategy and people will be shown how to avoid the more difficult questions and people will be paid money to do that. In fact, the one institution in

this country that will benefit financially the most by having Maine go to an SAT is the Princeton Review because the Princeton Review sells study guides and coaches people on how to do better on the SAT. The head of the Princeton Review said this is a huge mistake for the state of Maine to adopt the SAT because what will happen is that the state of Maine will start to teach to the SAT. The focus on standardized testing will 'dumb down' the curriculum and the teaching in the state of Maine. Ironically, we have the person who has the biggest financial stake in Maine going to a SAT is saying, in fact, 'I don't think that's a good direction for Maine to be going in.'

Lastly, it has been argued by both the Commissioner and by other people, that this is a new SAT and that we all took the old SAT, and that this new SAT is an improved version of the old SAT. You can believe the Commissioner and you can believe other people who have said that. I have spent hours talking to people that tutor this SAT. They say the difference between the old SAT and the new SAT are minimal, that it is still a strategy test and is still focused on aptitude and not on content. I understand that we are time-wise in a box. This is going to go forward as of April 1st. There is probably very little that the state could do. The reason there is very little the state can do is because it does have to do with No Child Left Behind. They were required to have a test that shows annual yearly progress and we would have to have the MEA or the SAT in order to do that. I understand we are in a box, but I would feel remiss if we were to vote on this without having made at least several direct comments about why the SAT is the wrong way to go. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion. I agree with may of the comments that I have heard, that the SAT is not a perfect test. It's not even a great test. Certainly different groups have been shown to do less well on it. There is a reality. That reality is that the SAT is looked at by schools when evaluating students. You can't get into college without it. In Maine we have a real problem. Not enough of our kids are going on to college in part because they are not given the tools they need to get in. When I was in high school it never occurred to me to study or prepare for the SAT. I just went in and took it. I thought it was just purely an aptitude test. Luckily, I learned by the time I took the LSAT to get into law school that you could actually improve your score by studying. To me the value of this is that you take the PSAT, you then follow that up with the SAT, and during that period of time you gain the tools you need to improve your performance. Yes, part of those tools is learning how to game the test. I want Maine kids to be going to the University of Maine, to Bates, to Colby, to Bowdoin, or to any school they want to. If it takes giving them the tools they need, even to game the test to get in, we're still at an advantage by getting more of our kids into school. While in a perfect world colleges would not look at the SAT, they would throw it out altogether and come up with some better way, a more comprehensive way, to evaluate students. The fact remains that at this point the SAT and your GPA are the two predominant factors that go into determining whether you get into college or not. As long as that remains the case it is imperative that we prepare our kids and give them the experience they need to succeed. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell 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 (#308)

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

NAYS: Senators: ANDREWS, BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, HOBBS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: BROMLEY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MITCHELL** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (2/02/06) Assigned matter:

JOINT ORDER - Joint Order Directing the Joint Standing Committee on Legal and Veterans Affairs to Report a Bill Regarding Tribal Commercial Track and Slot Machines in Washington County

H.P. 1377

Tabled - February 2, 2006, by Senator **GAGNON** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, January 12, 2006, **READ** and **PASSED**.)

(In Senate, January 26, 2006, **READ** and **FAILED PASSAGE**, in **NON-CONCURRENCE**.)

(In House, February 1, 2006, that Body **ADHERED**.)

Senator **GAGNON** of Kennebec moved the Senate **ADHERE**.

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

Senator **GAGNON**: Thank you very much, Madame President and members of the Senate. I moved to Adhere. This is an order that we concluded, in consultation with my good friend, the Passamaquoddy representative in the other body, that is no longer needed. We believe that we may be having a petition bill that will be coming before us and before the committee. If, for some reason, that bill does not come forward, I have committed that I will submit a bill that might help them in their future efforts, if they are so inclined to move forward in a different direction. Keep in mind that if the petition does not have enough signatures, they can continue gathering signatures for a future referendum. With that, the bottom line is that I don't think we need a bill. If we got the bill I'm not sure what we would do with it. If we do need a bill we'll get one. Thank you.

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

Senator **RAYE**: Thank you, Madame President, men and women of the Senate. I will not object to the motion of the Senator from Kennebec, Senator Gagnon. I just wanted to note for the record that the Joint Order was offered by its sponsor in the spirit of compromise. It's apparent that it was not received in that spirit in some quarters. At this point, the situation has evolved. The people have spoken with the submission of petition signatures to the Secretary of State. If they are certified, there will be a vehicle for future consideration of the Washington County racino in this body. For that reason, in accordance with the wishes of the sponsors, I do not object to the pending motion. This should in no way be interpreted as diminished determination on the part of Maine's Native Americans and the people of Washington County and their historic partnership in coming together on this issue and to bring this to fruition. I just want to close by saying that those of us involved in this issue do appreciate, from the bottom of our hearts, the support of those Senators who have stood with us through numerous votes. We look forward to future consideration of this issue in this body.

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

The Chair laid before the Senate the following Tabled and Later (2/07/06) Assigned matter:

An Act To Establish a Maternal and Infant Death Review Panel
H.P. 984 L.D. 1420
(H "A" H-739 to C "A" H-728)

Tabled - February 7, 2006, by Senator **BRENNAN** of Cumberland

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, January 31, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728) AS AMENDED BY HOUSE AMENDMENT "A" (H-739)** thereto, in concurrence.)

(In House, February 2, 2006, **PASSED TO BE ENACTED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#309)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, NASS, PLOWMAN, RAYE, WOODCOCK

ABSENT: Senator: BROMLEY

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (2/07/06) Assigned matter:

Bill "An Act To Amend the Laws Dealing with a Work-restricted License"

H.P. 1399 L.D. 1997

Tabled - February 7, 2006, by Senator **DAMON** of Hancock

Pending - **REFERENCE**

(In House, February 7, 2006, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.)

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute
Department of Health and Human Services

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1405 L.D. 2003

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute Department of Health and Human Services

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1406 L.D. 2004

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute Department of Health and Human Services

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1407 L.D. 2005

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute Department of Health and Human Services

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1408 L.D. 2006

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) H.P. 1411 L.D. 2009

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) H.P. 1412 L.D. 2010

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) H.P. 1409 L.D. 2007

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) H.P. 1410 L.D. 2008

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 1413 L.D. 2011

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes" (EMERGENCY)
H.P. 1404 L.D. 2002

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

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

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1414

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources shall report out, to the House, an emergency bill relating to elver fishing.

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

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

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

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, February 9, 2006, at 10:00 in the morning.