

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

In Senate Chamber
Tuesday
June 7, 2005

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

Prayer by Senator Richard A. Nass of York County.

SENATOR NASS: Thank you, Madame President. Good morning. This message is attributed to George Washington. It's simple and traditional. Please listen to the words, they are old and difficult. I'm going to do this slowly. It's a short message. It reminds me of how long 200 years is and how much has changed. Please listen.

Almighty God, we make earnest prayer that thou wilt keep the United States in thy holy protection, that thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large, and finally that thou wilt most graciously be pleased to dispose to all to do justice, to love mercy, and demean ourselves with that charity, humility, and pacific temper of mind which were characteristic of the divine author of our blessed religion, and without a humble imitation of whose example in these things, we can never hope to be a happy nation. Grant our supplication, we beseech thee, through Jesus Christ, our Lord. Amen.

Reading of the Journal of Monday, June 6, 2005.

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.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority"
S.P. 466 L.D. 1339
(C "A" S-296)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AND HOUSE AMENDMENT "A" (H-623), in NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act To Amend the Real Estate Brokerage Laws"
H.P. 1072 L.D. 1525
(C "A" H-583)

In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583), in concurrence.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583) AS AMENDED BY HOUSE AMENDMENT "A" (H-638) thereto, in NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act Pertaining to Disclosure of Prescription Drug Prices" (EMERGENCY)
S.P. 536 L.D. 1541
(C "A" S-292)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY HOUSE AMENDMENT "A" (H-639) thereto, in NON-CONCURRENCE.**

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECEDED** and **CONCURRED.**

Non-Concurrent Matter

Bill "An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Abandoned Railroad Corridors"
S.P. 593 L.D. 1611
(C "A" S-314)

In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314) AS AMENDED BY HOUSE AMENDMENT "A" (H-633)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HOBBS** of York, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities" (EMERGENCY)
H.P. 1151 L.D. 1633
(C "A" H-551)

In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551) AND HOUSE AMENDMENT "A" (H-622)**, in **NON-CONCURRENCE**.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Allow Case Management Officers To Conduct Hearings in Divorce Court"
H.P. 425 L.D. 592

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.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Encourage the Preservation of Affordable Housing"
H.P. 808 L.D. 1165

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-634)**.

Signed:

Senators:
PERRY of Penobscot
COURTNEY of York

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

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

Signed:

Senator:
STRIMLING of Cumberland

Representative:
WOODBURY of Yarmouth

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-634)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-634) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **HOBBS** for the Committee on **JUDICIARY** on Resolve, To Establish the Task Force To Study and Design a Child Protection Mediation System (EMERGENCY)
S.P. 384 L.D. 1067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-337).**

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

READ ONCE.

Committee Amendment "A" (S-337) **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.

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Prepare Maine for Public Health Emergencies"
S.P. 494 L.D. 1405

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-336).**

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

READ ONCE.

Committee Amendment "A" (S-336) **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.

ENACTORS

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

Acts

An Act To Amend the Maine Life and Health Insurance Guaranty Association Act

H.P. 652 L.D. 933
(C "A" H-621)

An Act To Improve the Guardian ad Litem System
S.P. 380 L.D. 1063
(C "A" S-298)

An Act To Amend the Medical Liability Laws Concerning Communications of Sympathy or Benevolence
S.P. 476 L.D. 1378
(C "A" S-323)

An Act To Establish Permanent Subsidized Guardianship
S.P. 481 L.D. 1382
(C "A" S-305)

An Act To Amend the Statutes Relating to Juveniles
S.P. 520 L.D. 1504
(C "A" S-289)

An Act To Require Coordination of Early Childhood Programs for Children 4 Years of Age in Maine
H.P. 1058 L.D. 1513
(C "A" H-507)

An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks
H.P. 1083 L.D. 1542
(C "A" H-612)

An Act To Amend Certain Laws Administered by the Department of Environmental Protection
H.P. 1124 L.D. 1588
(C "A" H-564)

An Act To Improve Child Support Services
H.P. 1125 L.D. 1589
(C "A" H-613)

An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community
S.P. 595 L.D. 1613
(C "A" S-285)

An Act To Create a Small Brewer Distiller License
S.P. 607 L.D. 1641
(C "A" S-277)

An Act Regarding Energy Codes
H.P. 1191 L.D. 1685

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

An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence
S.P. 237 L.D. 700
(C "A" S-267)

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

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

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

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

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

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

An Act To Amend Certain Fish and Wildlife Laws

S.P. 344 L.D. 1004
(C "A" S-317)

On motion by Senator **BRYANT** of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317)**.

On further motion by same Senator, Senate Amendment "A" (S-330) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317) AND SENATE AMENDMENT "A" (S-330), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

An Act Regarding Access to Prescription Drugs and Reimportation

S.P. 406 L.D. 1178
(C "A" S-293)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Increase Access to Justice in Maine's Court System

H.P. 1065 L.D. 1518
(C "A" H-620)

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

An Act To Encourage the Use of Solar Energy

H.P. 1122 L.D. 1586
(C "A" H-615)

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

An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council

S.P. 624 L.D. 1678
(C "A" S-320)

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

An Act To Exempt Unemployment Benefits from State Income Tax

H.P. 255 L.D. 332
(C "A" H-404)

Comes from the House **FAILED ENACTMENT**.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

Resolves

Resolve, Regarding Uninsured Motorist Coverage in Automobile Insurance Policies

H.P. 98 L.D. 122
(C "A" H-512)

Resolve, To Develop a Comprehensive Plan for Service Reforms and System Improvements Regarding Children's Services Provided by the Department of Health and Human Services

H.P. 614 L.D. 863
(C "A" H-610)

Resolve, Directing the Department of Corrections To Establish a Pilot Project at the Department's Juvenile Correctional Facilities

S.P. 474 L.D. 1376
(C "A" S-288)

Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work

H.P. 987 L.D. 1423

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.

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

ORDERS OF THE DAY

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

Emergency

An Act To Reestablish the Milk Handling Fee
H.P. 996 L.D. 1432
(C "A" H-602)

Tabled - June 2, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)**, in concurrence.)

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Require Employers and Employees To Provide a 2-Week Notice before Terminating Employment"

H.P. 929 L.D. 1346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-376)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren

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 Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Joint Select Committee on **JOINT RULES**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **COMMITTED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

On motion by Senator **RAYE** of Washington, the Senate **RECONSIDERED** whereby it **COMMITTED** the Bill and accompanying papers to the Joint Select Committee on **JOINT RULES**, in concurrence.

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **COMMITTED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Laws Governing Political Caucuses, Conventions and Committees"

H.P. 1192 L.D. 1686

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

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

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

Ordered sent forthwith to the Engrossing Division.

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 Bill "An Act To Clarify Entities Eligible for Funding by the Maine Health and Higher Educational Facilities Authority" (EMERGENCY)

S.P. 628 L.D. 1683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-339)**.

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

READ ONCE.

Committee Amendment "A" (S-339) **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.

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure Integrity in the Voting Process"

S.P. 446 L.D. 1266

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-340)**.

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

READ ONCE.

Committee Amendment "A" (S-340) **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:

COMMUNICATIONS

The Following Communication: S.C. 375

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

June 6, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1006 An Act To Modify Joint and Several Liability

L.D. 1415 An Act Regarding Confidentiality in Litigation

L.D. 1582 An Act To Protect Maine Citizens from Medical Negligence

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 376

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

June 7, 2005

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

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1479 An Act To Ensure Systematic Reporting of Abortions

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/6/05) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes"
H.P. 415 L.D. 560

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-527)** (2 members)

Tabled - June 6, 2005, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE** of Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 3, 2005, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

(In Senate, June 6, 2005, Reports **READ**.)

On motion by Senator **GAGNON** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (6/6/05) Assigned matter:

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Maine's Sex Offender Notification Laws"

H.P. 292 L.D. 390

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-618)**

Tabled - June 6, 2005, by Senator **DIAMOND** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in **NON-CONCURRENCE**

(In House, June 6, 2005, Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, June 6, 2005, Report **READ**.)

On motion by Senator **DIAMOND** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

The Chair laid before the Senate the following Tabled Unassigned matter:

An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services
H.P. 262 L.D. 349

Tabled - May 11, 2005, by Senator **MAYO** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2005, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 11, 2005, **PASSED TO BE ENACTED**.)

Senator **MAYO** of Sagadahoc moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **MAYO** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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.

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

After Recess

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:

Bill "An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities" (EMERGENCY)
H.P. 1151 L.D. 1633
(C "A" H-551)

Tabled - June 7, 2005, by Senator **COWGER** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)**, in concurrence.)

(In House, June 6, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551) AND HOUSE AMENDMENT "A" (H-622)**, in **NON-CONCURRENCE**.)

On motion by Senator **COWGER** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"
H.P. 999 L.D. 1435
(S "B" S-310)

In House, May 31, 2005, **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, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-310)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307) AS AMENDED BY HOUSE AMENDMENT "D" (H-549)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BARTLETT** of Cumberland, the Senate **INSISTED**.

(See action later today.)

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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Reduce the Minimum Participation Requirements of Insurance Carriers"
S.P. 89 L.D. 269

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-73)** (6 members)

In Senate, June 2, 2005, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-73)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-73)**.

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

On motion by Senator **SULLIVAN** of York, the Senate **RECEDED** and **CONCURRED**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#230)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, WESTON, WOODCOCK

Representatives: FAIRCLOTH of Bangor DUNN of Bangor

Reports **READ**.

ABSENT: Senator: MILLS

Senator **HOBBS** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **RECEDE** and **CONCUR, FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **WESTON** of Waldo moved the Senate **INSIST**.

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. I'll just speak briefly on this, in opposition to the minority report. As you can see, most of the Judiciary Committee felt that this should be Ought Not to Pass. What I want to tell you here is that you are not voting whether you are for or against walking trails. This is not a vote about that at all. This bill was put in, I think, for the purpose of providing something of a roadmap to municipalities as to how to create a municipal walking trail. What we discovered in reviewing the bill was that all of the authority that was covered by this proposed already existed with municipalities. Municipalities had the power to take each and every step that was proposed for the creation of walking trails. I guess it just wasn't under a section that was titled 'Creation of Walking Trails'. We had some concern, in the committee, about creating what essentially an unnecessary law that perhaps in the future might end up with unintended conflicts between the two. The other concern we had was that the bill also included provisions to add municipal walking trails to the definition of lands where private landowners are exempt or immune from liability for allowing public use. That definition is an extremely broad definition as it exists, covering almost any private land allowed to be used for public use. We are a little bit concerned about saying it includes everything but especially includes walking trails. There is something in the first part of the bill that says everything is covered for immunity, and we add that it also adds that it also includes this, and this, and this. Are we saying somehow that the beginning of the bill really didn't cover everything? With that, I would urge the chamber to oppose the pending motion and go on to accept the Ought Not to Pass. Thank you.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **WESTON** of Waldo to **INSIST**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Authorizing Municipalities To Establish Walking Trails" S.P. 165 L.D. 539

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

Signed:

Senators: BROMLEY of Cumberland HASTINGS of Oxford

Representatives: PELLETIER-SIMPSON of Auburn GERZOFISKY of Brunswick CANAVAN of Waterville BRYANT of Windham SHERMAN of Hodgdon CARR of Lincoln BRYANT-DESCHENES of Turner 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" (S-338)**.

Signed:

Senator: HOBBS of York

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. This is my bill and we did have somewhat of an issue in my city in that most of the laws that the good Senator from Oxford, Senator Hastings, was talking about really are related more to more rural areas. What we are trying to do in my city, and I think in a number of cities, is to try to create some level of comfort by allowing landowners by helping to alleviate the fears that landowners have about the possibility of somebody getting hurt on their property or whatnot. We wanted to create a system where the municipality, in some official way, accepts a walking trail and then we can allow these communities to interrelate with each other a little better. Again, there are many cities similar to mine that have paper streets and the paper streets ended up eliminated, because of deadlines, and now suddenly kids are barred from crossing from neighborhood to neighborhood. People are concerned that if they let the kids to

ride their bikes or walk between the neighborhoods that they are somehow going to be liable. We wanted to sort of bring this all together in one place and have sort of an outline. I did have extensive discussions because of the original bill. I think what the good Senator from Oxford, Senator Hastings, was really a previous draft. We tried to deal with the committee's concerns and worked with the Maine Municipal Association, which originally didn't care for the bill but actually helped write most of the amendment that now makes it acceptable to the minority. In fact, I have spoken directly with the good Senator from Oxford, Senator Hastings, so I can only assume that he is opposed to walking trails since we did work out his concerns. I had promised him I would say he was opposed to walking trails on the floor of the Senate, so I've done that now. I hope that you will support the minority Ought to Pass report. I think that the Senator is correct in that it may not be needed, but it doesn't hurt to make sure that municipalities understand that they have this framework for how to create these trails and that we have people that are willing to participate, landowners in a more urban environment that will allow these walking trails between neighborhoods so that kids don't have to hit the busier streets and go around when there is a perfectly good trail that has been there for decades. It's just a concern that people have. Thank you.

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. I just want to clearly state for the record that I am deeply committed to municipal walking trails. Thank you.

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

Senator **HOBBINS:** Thank you, Madame President and members of this body. I can attest that the good Senator from Oxford, Senator Hastings, is in favor of walking trails. He looks more fit and stealth than maybe myself and the good Senator from Kennebec, Senator Gagnon. This bill is one of many bills that have crept up in the legislature during the past few sessions relating to the issue of liability and what would happen if non-profit entities went out and put together some type of a walking network or some type of walking trail network around the state. It is really encouraging that the use of intermobile transportation money from the Department of Transportation at the federal level and money from the Department of Conservation and other state agencies have allowed municipalities and non-profit entities to put together a walking system, which I think is good. First of all, I think it's a good tourist attraction and to have individuals come to Maine because of the quality of our walking trails. We've utilized, over the past three or four years, abandoned railroad track beds, which have been very useful. In fact, there is a bill in the legislature just to clarify that people that own abandon railroad tracks where trails that have been put together are not liable by allowing for these right of ways to be used.

This amendment is a complete replacement of the original bill. As the good Senator from Oxford, Senator Hastings, will tell you and I probably would concur, it was a close call as to whether

the original bill was needed in the first place. The Maine Municipal Association provided this draft after the fact, after the vote was taken, and after I, as a courtesy to the good Senator, put my name on the report. I have to tell you, after having read the amendment the Maine Municipal Association put together, it does provide a simplified optional framework for non-profit entities, municipal governments, and the public, in general, to use as a mechanism, such the City of Waterville wants, to in establishing these walking trails. If you don't pass this bill, it's not an earth shattering scenario, but I think it does give a little more guidance and a little more clarity in this area that is brand new in the past few years to state government and the liability issues that they possibly entail. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Hobbins to Accept the Minority 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 (#231)

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

NAYS: Senators: ANDREWS, CLUKEY, DAVIS, DOW, HASTINGS, MILLS, 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 **HOBBINS** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-338) **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.

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Adequate Medical Care for Children"
H.P. 357 L.D. 482

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-641)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641)**.

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

READ ONCE.

Committee Amendment "A" (H-641) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/31/05) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Amend the Revaluation Process by Municipalities"
S.P. 550 L.D. 1563

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-303)** (1 member)

Tabled - May 31, 2005, by Senator **SULLIVAN** of York

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

(In Senate, May 31, 2005, Reports **READ**.)

Senator **PERRY** of Penobscot requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

On motion by Senator **COURTNEY** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#232)

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

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, MILLS, NASS, PLOWMAN, ROSEN, SAVAGE, SNOWE-MELLO, STRIMLING, 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 Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-303) **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.

The Chair laid before the Senate the following Tabled and Later (6/2/05) Assigned matter:

Bill "An Act To Amend the Maine Wind Energy Act"
S.P. 477 L.D. 1379

Tabled - June 2, 2005, by Senator **BRENNAN** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY SENATE AMENDMENT "A" (S-322)** thereto

(In Senate, June 2, 2005, motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** Report **FAILED**. The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284)** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "B" (S-284) **READ**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-322) to Committee Amendment "B" (S-284) **READ** and **ADOPTED**. Motion by Senator **BRENNAN** of Cumberland to **INDEFINITELY POSTPONE** Committee Amendment "B" (S-284) as Amended by Senate Amendment "A" (S-322) thereto, **FAILED**.)

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-341) to Committee Amendment "B" (S-284) **READ** and **ADOPTED**.

Committee Amendment "B" (S-284) as Amended by Senate Amendments "A" (S-322) and "B" (S-341) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY SENATE AMENDMENTS "A" (S-322) AND "B" (S-341)** thereto.

Ordered sent down forthwith for concurrence.

(In House, June 3, 2005, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

(In Senate, June 6, 2005, Reports **READ**.)

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (6/3/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate Estate Taxes on Family-owned Businesses" H.P. 321 L.D. 436

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-589)** (6 members)

Tabled - June 3, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, June 3, 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-589)**.)

(In Senate, June 3, 2005, Reports **READ**.)

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services H.P. 262 L.D. 349

Tabled - June 6, 2005, by Senator **COURTNEY** of York

Pending - motion by Senator **MAYO** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, May 9, 2005, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 11, 2005, **PASSED TO BE ENACTED**.)

On motion by Senator **MAYO** of Sagadahoc, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (6/6/05) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Impose a Gross Receipts Tax on 'Big Box' Stores" H.P. 1094 L.D. 1553

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-604)** (5 members)

Tabled - June 6, 2005, by Senator **STRIMLING** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

ENACTORS

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

Act

An Act To Amend the Sex Offender Registration and Notification Act of 1999

H.P. 997 L.D. 1433
(C "A" H-607)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY 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:

Emergency Measure

An Act To Amend Water Quality Standards
S.P. 496 L.D. 1450
(S "A" S-315 to C "A" S-291)

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

Emergency Measure

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds
H.P. 1027 L.D. 1464
(C "A" H-626)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Resolve

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education
H.P. 899 L.D. 1302
(C "A" H-570; S "A" S-325)

Senator **GAGNON** of Kennebec moved the Bill and accompanying papers be placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

At the request of Senator **PLOWMAN** of Penobscot a Division was had. 29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to place the Bill and accompanying papers on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence, **PREVAILED**.

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

ENACTORS

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

Mandate

An Act To Facilitate Voting by Participants in the Address Confidentiality Program
H.P. 768 L.D. 1115
(C "A" H-625)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

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 Dogs That Are Left Outside
H.P. 155 L.D. 204
(S "A" S-309 to C "A" H-484)

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

An Act To Amend the Sunset on Part-time Unemployment Insurance Benefits
H.P. 233 L.D. 309
(H 'C' H-402; S 'B' S-318 to C 'A' H-33)

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

An Act Relating to the Sale of Foreclosed Property
H.P. 459 L.D. 626
(C "A" H-590)

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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits"
H.P. 365 L.D. 490

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-555).**

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
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 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555).**

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.

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 Create Freedom of Citizen Information Regarding Ballot Questions

H.P. 648 L.D. 929
(H "A" H-503 to C "A" H-412)

An Act Concerning Gift Obligations, Stored-value Cards and Prefunded Bank Cards

H.P. 737 L.D. 1084
(C "A" H-624)

An Act To Allow Tournament Games for Charitable Purposes

H.P. 788 L.D. 1145
(C "A" H-550)

(See action later today.)

An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them

S.P. 491 L.D. 1402
(C "A" S-326)

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 Adopt the Uniform Environmental Covenants Act

S.P. 543 L.D. 1559
(C "A" S-328)

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

An Act To Fully Fund the Homestead Exemption

S.P. 602 L.D. 1625
(C "A" S-306)

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

An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants
H.P. 1159 L.D. 1647
(C "A" H-628)

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:

Act

An Act To Include Regional Transportation Systems under the Maine Tort Claims Act
H.P. 629 L.D. 910

Comes from the House Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**.

On motion by Senator **HOBBS** of York, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**, 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 **LABOR** on Bill "An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set"
H.P. 873 L.D. 1276

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-445)**.

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 Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-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 **NON-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 **LABOR** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"
H.P. 1146 L.D. 1628

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-491)**.

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 Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

On motion by Senator **BRENNAN** of Cumberland, the Senate **RECONSIDERED** whereby it **INSISTED** on the following:

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"

H.P. 999 L.D. 1435
(S "B" S-310)

(In House, May 31, 2005, **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, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-310)**, in **NON-CONCURRENCE**.)

(In House, June 6, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307) AS AMENDED BY HOUSE AMENDMENT "D" (H-549)** thereto, in **NON-CONCURRENCE**.)

(In Senate, June 7, 2005, on motion by Senator **BARTLETT** of Cumberland, **INSISTED**.)

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

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.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Protect Dogs That Are Left Outside
H.P. 155 L.D. 204
(S "A" S-309 to C "A" H-484)

Tabled - June 7, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2005, on motion by Senator **NUTTING** of Androscoggin, **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto. On further motion by same Senator, **RECEDED** from **ADOPTION** of Committee Amendment "A" (H-484) as Amended by House Amendment "A" (H-546) thereto. House Amendment "A" (H-546) to Committee Amendment "A" (H-484) **READ**. On motion by Senator **NUTTING** of Androscoggin, House Amendment "A" (H-546) to Committee Amendment "A" (H-484) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**. On further motion by same Senator, Senate Amendment "A" (S-309) to Committee Amendment "A" (H-484) **READ** and **ADOPTED**. Committee Amendment "A" (H-484) as Amended by Senate Amendment "A" (S-309) thereto, **ADOPTED**, in **NON-CONCURRENCE**. **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484) AS AMENDED BY SENATE AMENDMENT "A" (S-309)** thereto, in **NON-CONCURRENCE**.)

(In House, June 7, 2005, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECONSIDERED** whereby it **ENACTED** the following:

An Act To Allow Tournament Games for Charitable Purposes
H.P. 788 L.D. 1145
(C "A" H-550)

(In House, June 7, 2005, **PASSED TO BE ENACTED**.)

(In Senate, June 7, 2005, **PASSED TO BE ENACTED**, in concurrence.)

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

ORDERS OF THE DAY

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

An Act To Exempt Unemployment Benefits from State Income Tax

H.P. 255 L.D. 332
(C "A" H-404)

Tabled - June 7, 2005, by Senator **STRIMLING** of Cumberland

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)**, in concurrence.)

(In House, June 6, 2005, **FAILED ENACTMENT**.)

On motion by Senator **STRIMLING** of Cumberland, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)**, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-404), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-342) to Committee Amendment "A" (H-404) **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.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "B" (S-342) to Committee Amendment "A" (H-404). (Roll Call Ordered)

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 Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set"

H.P. 873 L.D. 1276

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-445)** (8 members)

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

Tabled - June 7, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, June 7, 2005, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.)

(In Senate, June 7, 2005, Reports **READ**.)

Senator **STRIMLING** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, 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 Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

H.P. 1146 L.D. 1628

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-491)** (8 members)

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

Tabled - June 7, 2005, by Senator **STRIMLING** of Cumberland

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

(In House, June 7, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 7, 2005, Reports **READ**.)

Senator **STRIMLING** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, 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

Non-Concurrent Matter

Bill "An Act To Clarify the Definition of 'Domiciled' for Maine Income Tax Purposes"

H.P. 248 L.D. 325
(C "A" H-588)

In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY HOUSE AMENDMENT "A" (H-658)** thereto, in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Eliminate Term Limits in the Legislature"
S.P. 180 L.D. 572
(C "A" S-278)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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 **JUDICIARY** on Bill "An Act To Protect Certain Private Information Submitted to Municipalities" H.P. 872 L.D. 1275

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

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFISKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
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-651)**.

Signed:

Representatives:

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS**: Thank you, Madame President, ladies and gentlemen of the Senate. I just want to speak very briefly on this. As you can see, I supported the Ought Not to Pass. I do want to point out the difficulties we are starting to face in the Judiciary Committee under the Freedom of Information Act because of electronic information. This was a bill that, if passed, would have made e-mail addresses not public, they could not be disclosed by the towns unless permission was given. I would point out that the minority has changed that and would support that the e-mail addresses not be disclosed if the owner of the name so requested to the municipality and that it not be made part of a database. The problem that municipalities, and I think state government, are facing now all of a sudden is that there are databases of e-mail addresses which are targets for commercial uses who then take advantage of groups. They are able to obtain huge numbers of names that are then targeted, maybe by fishing licenses or auto registrations or whatever. We could not craft this narrowly enough to protect the rights of the public. It is a subject matter that we will be facing over and over. I'm afraid we, as a group, will have to find a way to deal with this because of its non-traditional nature. Thank you.

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

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws"

H.P. 146 L.D. 195

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532)**.

Signed:

Senator:
COURTNEY of York

Representatives:
HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath
CLARK of Millinocket

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:
PINEAU of Jay
HUTTON of Bowdoinham

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-532) AND HOUSE AMENDMENT "A" (H-653)** thereto

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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, in **NON-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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Crimes against People Who Are Homeless" (EMERGENCY)
H.P. 1170 L.D. 1659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

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
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-596)**.

Signed:

Representatives:

GERZOFSKY of Brunswick
PARADIS of Frenchville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-640)** thereto.

Reports **READ**.

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **BRYANT** of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, June 6, 2005, at 10:00 in the morning.