

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

In Senate Chamber
Wednesday
April 9, 2008

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

Prayer by Reverend Lin Peyton, Episcopal Diocese of Maine.

REVEREND PEYTON: I'll begin by saying thank you to all the young people who are here. Watch us closely. Keep us honest. Keep us trustworthy. Keep us laughing because laughter often helps us when we are too serious and too deadlocked to break apart and be more creative. I want to begin also with a poem from e.e. cummings. 'I thank you, God, for most this amazing day, for the leaping greenly spirit of trees and the blue true dream of sky and for everything which is natural, which is infinite, which is yes.'

Oh God, You who dance the leaping greenly spirits, not just of trees but of all life, You whose breath paints the blue true dream of sky, as we gather in these few moments of calm, may each of us lay down our agendas of the day and breathe in deeply of that breath that swirls around us, the breath that the ancient people called sacred. For this moment may we too know it as sacred, cleansing and inspiring us as we take it in. May we let it out slowly and with gratitude for simply being alive. Gratitude also for being here, having our own seat in this revered room, chosen in trust by the people of the state to represent them, to listen to their stories and their struggles, to bring those stories and struggles to this place, and using out talents and resources to work out creative, flexible, and just solutions for our common life. May we reach deep inside ourselves, where lay often hidden wells of courage and wisdom, and may our hearts be guided by compassion as we make the difficult and sometimes agonizing decisions that effects the lives and wellbeing of our citizens and neighbors, remembering especially those around the state who are slipping deeper into poverty and despair; those losing or who have lost their jobs, benefits, and social services due to the cuts in our budgets; and all the while the oil prices are continuing to rise. May social justice and environmental health always be a large part of our conversations and negotiations. May we hold the big pictures above us, remembering our past and foreseeing as best we are able a long way into the future while we lobby hard for our particular passions. May we continue to hold in our hearts those who are deployed to fight in the horrific wars abroad, those who are in the war-weary countries to help rebuild, and those deployed around the world to offer help in disaster hit areas. May we remember and reach out to their families here, living continually under the anxieties and the strains that come with a loved one so deployed. All the while may all of us study and learn the ways of negotiating and creating peace, joining our voices, hearts and hands with those around the world to build a just, sustainable, and beautiful world for the many generations to come. Oh God, bless especially those young people among us this morning, all of their classmates, their

schoolmates, and all the young in this state and in this country. May they watch what we do here and someday may they too sit in these seats. May we altogether be dreamers, makers, and prayers of justice and of peace as we live together into e.e. cummings 'Yes'. Amen.

Reading of the Journal of Tuesday, April 8, 2008.

Doctor of the day, Daniel Summers, MD of Hallowell.

Off Record Remarks

ORDERS

Joint Resolution

On motion by Senator **BARTLETT** of Cumberland (Cosponsored by Speaker CUMMINGS of Portland and Senators: President EDMONDS of Cumberland, MITCHELL of Kennebec, ROTUNDO of Androscoggin, Representatives: BARSTOW of Gorham, CROSTHWAITE of Ellsworth, FARRINGTON of Gorham, PINGREE of North Haven, TARDY of Newport), the following Joint Resolution:

S.P. 924

JOINT RESOLUTION HONORING THE KIWANIS CLUBS OF MAINE, PARTICULARLY THE KIWANIS CLUB OF GORHAM FOR OPERATION HOLIDAY CHEER

WHEREAS, Kiwanis is an organization made up of approximately 8,000 clubs in 96 countries with over 260,000 adult members, including 32 clubs in the State of Maine with over 1,500 adult members; and

WHEREAS, members of Kiwanis place special emphasis on service to children and youth through initiatives intended to improve the quality of life of children in communities around the world; and

WHEREAS, on July 17, 2007, the Kiwanis Club of Gorham was chartered; and

WHEREAS, on July 21, 2007, the Kiwanis Club of Gorham, subsequently joined by other Kiwanis Clubs in Maine, launched Operation Holiday Cheer, a program to provide a holiday gift to each participating child of Maine's military families; and

WHEREAS, there are over 9,000 children in the State of Maine that have a parent that serves in the military during the holidays; and

WHEREAS, Operation Holiday Cheer acquired, wrapped and distributed a holiday gift to each participating military child in over 140 cities and towns throughout the State of Maine; and

WHEREAS, each package contained a letter that read: "On behalf of the Kiwanis Clubs of Maine and the people of the State of Maine, we would like to offer you this token of our appreciation for your sacrifice. You are the child of a Maine military family and the bravery that you show every day by sharing your parent to help protect our country is being recognized and honored. You should be extremely proud of your service to our country and should know that we, the Kiwanis and the people of Maine, stand proudly beside you. We wish you and your family a Happy Holiday Season!"; and

WHEREAS, the sacrifices and bravery of the children of military families have been acknowledged, commended and rewarded by the Kiwanis Clubs of Maine through Operation Holiday Cheer; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize and honor the Kiwanis Clubs of Maine, particularly the Kiwanis Club of Gorham, for their acknowledgement and recognition of the sacrifices, courage and heroism of the children of Maine's military families through Operation Holiday Cheer; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Kiwanis Club of Gorham with our appreciation.

READ.

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

Senator **BARTLETT:** Thank you, Madame President. I rise to briefly recognize this outstanding achievement by the Kiwanis Club of Gorham and the Kiwanis Clubs throughout the state of Maine. I first received some information that they were going to try to do this back during the summer and was impressed that they identified a serious need and that is the children of military parents who are overseas who are really struggling to get by day to day, particularly as they head through the very difficult holiday season. If you look, the organization in Gorham was chartered in July 2007. By Christmastime they had these baskets going all over. It's just remarkable that they were able to turn this around so fast. It's even more remarkable that they put together this pilot project that is now being copied throughout New England and we expect nationally in the years ahead. I want to join in congratulating this group for its outstanding commitment to Maine families.

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

Senator **COURTNEY:** Thank you, Madame President and men and women of the Senate. As a member of the largest Kiwanis Club in the state, I also want to extend a congratulations from the town of Sanford. Thank you.

On motion by Senator **BARTLETT** of Cumberland, **ADOPTED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Mark and Margo Bateau of the Kiwanis Club of Gorham. Would they please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"
H.P. 1585 L.D. 2219

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-938).**

Signed:

Representatives:

MOORE of Standish
WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-939).**

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-938)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-938).**

Reports **READ.**

Senator **MARRACHÉ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939)** 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 TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939)** Report, in **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator **BARTLETT** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development" (EMERGENCY)

S.P. 908 L.D. 2283

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-581)**.

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

READ ONCE.

Committee Amendment "A" (S-581) **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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Increase Public Confidence in Government by Expanding Public Disclosure"

S.P. 838 L.D. 2178
(C "A" S-523)

In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523) AS AMENDED BY HOUSE AMENDMENT "E" (H-959)** thereto, in **NON-CONCURRENCE**.

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

Joint Order

The following Joint Order:

H.P. 1665

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," shall meet to study issues related to sex offender registration laws as follows.

1. Convening of committee; meetings. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than June 15, 2008. The committee may meet 4 times.

2. Duties. The committee's duties include:

A. Using other states' models for tiered systems based on risk and other examples of sex offender classification and assessment and creating a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify registrants based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;

B. Creating processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information; and

C. Reviewing the current list of registerable sex offenses and determining if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

4. Compensation. Pursuant to Joint Rule 353, members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

5. Report. No later than November 5, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for the consideration of the First Regular Session of the 124th Legislature. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. The joint standing committee of the 124th Legislature having jurisdiction over criminal justice and public safety matters may, pursuant to Joint Rule 353, introduce a bill during the First Regular Session of the 124th Legislature to implement the recommendations on matters relating to the study.

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

READ and **PASSED**, in concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish Open Ballot Voting in Maine"

H.P. 1253 L.D. 1799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-794)**.

Signed:

Senator:

BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

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

Signed:

Senators:

MARRACHÉ of Kennebec
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **MARRACHÉ** of Kennebec, the Minority **OUCHT NOT TO PASS** Report **ACCEPTED**.

Divided Report

The Majority of the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory

H.P. 1583 L.D. 2217

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

Signed:

Senator:

NASS of York

Representatives:

RAND of Portland
GOULD of South Berwick
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus
WOODBURY of Yarmouth
CLARK of Millinocket

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-946)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
KNIGHT of Livermore Falls

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

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Minority **OUCHT 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 Minority **OUCHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

H.P. 1648 L.D. 2285
(C "A" H-943)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-943)** (11 members)

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

In House, April 7, 2008, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

In Senate, April 8, 2008, 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-943)**, in **NON-CONCURRENCE**.

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Keep Bridges Safe"

H.P. 1673 L.D. 2313

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

H.P. 532 L.D. 701

Report - **Ought to Pass as Amended by Committee Amendment "B" (H-788)**

Tabled - April 7, 2008, by Senator **MARRACHÉ** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 4, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "B" (H-923)** thereto.)

(In Senate, April 7, 2008, Report **READ**.)

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

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

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to this report. As you can imagine, I have been opposing the expansion of gambling through slot machines in the state of Maine for many, many years. I continue that opposition. There is nothing in bills like this that create any kind of economic development or prosperity for anyone. I go back to where I have always started these conversations, I run a social service agency so I work with people who are living on the edges. I can assure you that I do not need any more clients. People are already banging down our door looking for affordable housing and looking to find their way out of poverty. We know that slot machines only enhance and create more opportunity for people to lose more money. I see it in the folks I work with when they, unfortunately, see the ads on TV and go and buy lottery tickets. Let's make sure we don't compare, although I oppose those as well, because we know that slot machines are referred to as video crack because of how addictive they are.

There are many technical problems with this bill, for sure. I will certainly dive into some of those pieces as we move to the amendment. I would rise, Madame President, and request my colleagues vote against this bill because finally, and perhaps most importantly, the people of Maine have spoken over and over again. Just recently, this past fall, they voted against exactly what this is asking us to do, which is to put slot machines in Washington County. There was a referendum on the ballot within six months in which the people of Maine said, 'We don't want slot machines in Washington County.' This vote today is going directly against what they just said without going back and asking them again. Usually when the people of Maine vote against something we go back to them and ask them again. I understand that process. We go back. They have a chance. That is democracy. This is going right back and saying, 'Sorry, we disregard everything that you just did. We disregard your vote

entirely. You voted against slots in Washington County, we are putting slots in Washington County.' It could not be any more of a slam in their face without asking their opinion again. Above and beyond the fact that there is no economic development attached to this, you are going against the will of the people and the clearest poll that we have, which is an actual vote. Madame President, I rise in opposition and I strongly encourage my colleagues to unanimously reject this report.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I didn't expect to rise. I've never been a person who has been a big supporter of any kind of gambling at all. However this is in Penobscot County. This is not in Washington County. I know that what is occurring right now in Penobscot County is that there are slots. Those machines have, unfortunately, detracted from revenues that people have been getting on Indian Island from their bingo games. As a result, they are asking for a little bit of fairness in having some slot machines during their bingo games so that they can attract some of those people who enjoy the slots back to Indian Island to enjoy themselves. I may not personally be somebody who finds this pleasurable, this kind of activity, but there are a lot of people who do. To talk about it as if it's some kind of addictiveness for calling it crack is absolutely outrageous and it's really an insult. I felt compelled to get up because I live in Penobscot County and that's where this bill is addressing. It's addressed to Penobscot County, not to Washington County. Let's set the record straight. There are slot machines in Penobscot County right now, so I think it's for fairness. It's only fair to allow the Penobscot Nation to have some slot machines in order to attract the people back to their bingo games. Thank you very much.

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

Senator **STRIMLING:** Thank you, Madame President. Forgive me for my geographic mistake. The point still stands very clearly. The people of this state rejected slots. I don't think that if you went to them and said, 'Oh, was it because it was Washington County that you rejected them and that you would be okay if was Penobscot County?' I think that is a farce. I think that is a joke and in some ways it is an insult to the people in Washington County to think that the state of Maine would say no to Washington County but somehow they would be okay with Penobscot County. Give me a break, Madame President. Give me a break. If you want to talk about it being an insult to talk about slot machines being called video crack then just do a quick Google search on the internet because there are people who have done research on this. That is not a phrase that I came up with. That is a phrase that researchers who have looked at casinos, racinos, and slot machines, and indeed the people who develop them, call them. That is their term because they have designed them to be addictive. They have designed them to suck money out of people's pockets. That's the insult that somehow or another we think that this is going to be okay. That somehow we think this is just some little piece of economic development that's going to help people when indeed all it does is hurt.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. As is often said in this Chamber, I didn't intend to speak. However the course of the debate has rather drawn me into it. Probably as for nobody else in this Chamber, this is an awkward moment for me. It is difficult, even painful, given the long travails that we have had in Washington County and that the Passamaquoddy Tribe has had in their efforts to bring gaming to our county. I was struck by the Senator from Cumberland, Senator Strimling, and his concern for insulting the good people of my district. I would say that there have been some insults to the people of my district. I don't think this bill is one of them. I think this is a matter of fairness. I think that we have not always done the right thing in this state when it comes to issues of fairness. I hope that the day will come when we do. As difficult as it is for me to envision the possibility of this happening somewhere else in our state, I intend to vote for the current motion because I believe it is an issue of fairness and I hope it's an issue of fairness that will one day be extended to the Passamaquoddy Tribe and the people of Washington County as well.

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

Senator **SCHNEIDER:** Thank you, Madame President. Once again I would like to point out there are all kinds of things that people refer to as some kind of an addictive thing. For example, a Blackberry being called a crackberry. I just want to say that you can refer to things all the time as some kind of addictive behavior but the fact of the matter is there are some people who simply enjoy bingo or the slots and that's just how they derive a bit of pleasure in their lives. Personally that is not how I choose to spend my time but I have been told by many people that this is how they enjoy their time. Penobscot County did allow slots in Penobscot County. They are there now and the Penobscot Nation is simply asking for some slot machines to be allowed on Indian Island. They have lost a great deal of revenue. They don't have a lot of ways to derive revenue. This is one of their means to acquire revenue and they are asking us, out of fairness, to allow some slots on Indian Island. This is a Penobscot County issue and because there are slots already in Penobscot County I do not think it's reasonable to assume that the people in the state of Maine would say no given that they already exist there. I do not think that it is fair to just simply assume that the people of the state of Maine have turned these down for Penobscot County given that they are there right now. I think there are a lot of people who are simply against any kind of gambling and they will say anything in their means to try to turn down any kind of expansion. I happen to believe that this is about fairness. Pure and simple fairness.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. To my friends at Casinos No, their effort to be purists should have started a long time ago when the Maine Senate had to balance the budget and put the sale of those nice things that you buy at stores for \$1 and \$5 and \$10. We've been

on that roll, and don't tell me we don't gamble in this state. If I had my druthers I'd rather have a casino any day than having what we have in our stores today because going to a casino would mean maybe one time. I will speak about my own community with the scratch tickets and the new machine that we put in a few years ago. The population of my hometown is less than 1,000 and \$300,000 was spent in my hometown buying those things. Tell me that this doesn't affect poor people. It's far worse than slots and far worse than casinos because I know my people wouldn't drive a hundred miles every day to go to a casino or go to slot machines. I wish Casinos No would wake up and get off our backs.

Specifically referring to Penobscot County and the bill before us, I had no intension, like the Senator from Washington, Senator Raye, but I got driven to it by the good Senator from Cumberland, Senator Strimling. This issue applies to the Penobscots that, frankly, were impacted by a vote of the people when they granted 1,500 slots in the city of Bangor. The net result of that is what we had given them as an income producer of bingo has suffered and what we are trying to do is equal the playing field. They will only be able to play the slots when that event takes place, most of them being driven by bus from outside this state. Frankly, to me this issue is not the kind of issue that Casinos No has become best known for, raising funds from outside the state to impact the voters of Maine.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. Sometimes there comes such a day in your life that you have to stand and talk and that would be a day when you agree with the Senator from Aroostook, Senator Martin. Thank you, Senator Martin. This state has been a gambling state since I sat at my grandmother's side and played bingo when I was 5 years old. It was sanctioned by the state. We now have rip off tickets that you can get at the agricultural fairs. We have every kind of ticket, 55 or more, that you can get at your local stores, and that is what you just heard about. We have machines that spit out tickets faster than you can even fill out the numbers yourself. That would be the government's gambling. We have video lottery terminals that sit in different places around the state where you can play. With the advent of the internet, you can gamble in your home all night. You can now gamble in cribbage tournaments. You can gamble anywhere you want. Maine is a gambling state. If you don't like it the spokesman for Casinos No offered the other day in our hearing to work against the Maine State Lottery and get rid of it if somebody would just pony up the money. That's what I like. Somebody with a sense of principle. Until then I guess the Maine State Lottery is not really gambling. Anytime you want to compare Penobscot County to downtown Portland please find the dens of inequity down there and then try to find them in downtown Bangor. I'm pretty sure we are doing okay. I would refer you to the back pages of the Portland Phoenix if you are looking for the highlights of the Senator from Cumberland, Senator Strimling's district. While we are shooting everybody in the foot around here as to who has the best district and who's holding the higher ground, I'd say that the state of Maine already took the lower road many years ago.

This is an issue of fairness. I really didn't like this bill when it first came up but when I saw what Casinos No did to the Passamaquoddy Tribe and their people in the last go-round, the

misinformation, the outright lies, the attacks, and the innuendoes, I think I changed my mind because fair seems to not be what goes on around here because the end does not seem to justify the means. When I looked back and said you are being impacted, the tribe is being impacted, and this is a way of keeping their customers that they bus here on weekends from out of state by providing them with the entertainment that is available downtown by having one hundred machines right there. Basically that one hundred machines are not going to go very far because you just don't know how many people come in on that weekend, but it's one hundred and hopefully it will keep people from going to downtown Bangor. What will happen is that they will stay with their host. They will stay with the people who brought them to Maine. These aren't open year-round. They are not open all day long. They are open on the weekends when there is actually high stakes gambling going on. It is very limited and by law there are a few days more that they can open up. Don't be surprised if there are a few more days that you hear about high stakes bingo. That's limited as well. It's nothing like what was put on the ballot last year. It's nothing like that at all.

I appreciate that the people feel that they didn't want one in Washington County but the people weren't asked this, we were. The bill was put here before us. If you don't like it, that's great. Don't vote for it. Don't go there and leave the people who are going to go there to do what they are going to do because, guess what, they are not going to end up in Portland. They are going to get back on the bus and go back where they came from because they had a weekend of entertainment on Indian Island in Penobscot County. Penobscot County. They may come back in about three or four months and do it again because they had a real good time. On the way by I hope they stop at Cabellas. Thank you, Madame President.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **STRIMLING:** Thank you, Madame President. I have heard that this will only be for one tribe and to have 400. In the bill it says, and I am confused, 'A slot machine operated as a federally recognized Indian tribe that operates high stakes bingo may not operate more than 400. A federally recognized Indian tribe in the state licensed to conduct high stakes bingo as of January 1, 2007.' I have heard that this means that this is the only tribe that is allowed to do that, however I have a letter from the Yes On One folks, who were disputing something that Casinos No did back in 2007, in which they state that the Chief of the Maine State Police states that one license was issued to the Penobscots and one license was issued to the Passamaquoddy for high stakes bingo. That was dated last summer. I'm just curious, if somebody could clarify for me, it seems pretty clear. Yes On One stated their lawyers stated that both the Penobscots and the Passamaquoddy have a license to operate bingo. Could somebody clarify that for me?

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may

wish to answer. The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ**: Thank you, Madame President. That will be addressed in an amendment, if we can get to it. It will clarify who can and cannot.

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

Senator **STRIMLING**: Thank you, Madame President. If I may pose another question?

THE PRESIDENT: The Senator may pose his question.

Senator **STRIMLING**: Thank you, Madame President. Am I to understand that if we vote on this right now that we are voting to allow at least two tribes to have at least 400 slot machines? It seems pretty clear. I may be wrong. I heard that only one was licensed to do bingo, but Yes On One told us that there were two. I'm just trying to clarify it. Maybe I'm wrong. Are we voting now to have two tribes, because that is all we can talk about?

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President. If the Senator from Cumberland, Senator Strimling, would look at the Committee Amendment, it goes to 100. The amendment that has also been distributed but not yet adopted but will be introduced later by the Senator from Kennebec, Senator Marraché, restricts it to one tribe, the Penobscot Nation in Old Town.

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

Senator **STRIMLING**: Thank you, Madame President. I'm looking at Committee Amendment "B" from the committee. It says, 'A slot machine operated --- that operates high stakes bingo may not operate more than 400 slot machines.' Does the Committee Amendment say 100 somewhere?

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ**: Thank you, Madame President. The answer to that is that there is an amendment from the House that restricts it to 100. There will then be another amendment that will be introduced that will restrict it to this location.

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

Senator **STRIMLING**: Thank you, Madame President. I'm just trying to get a straight answer here. There are two questions on the table. The first one is, are we about to authorize two tribes to be able to have 400 slot machines? I get that there may be an

amendment down the road, but I'm just asking what the bill does. If somebody could answer that question.

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair. The Chair will answer that the pending question is acceptance of the bill and the Committee Amendment. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President. If you read the language it says the tribes that, as of January 1 2007, are licensed to conduct high stakes bingo may be allowed to have slots. In our committee, for lack of time, we agreed to bring a floor amendment down. Everyone has committed that it will not be 400 and it will be 100. Yes, there are two tribes in the state of Maine who are licensed to do high stakes bingo. One is the Penobscots and the other is the Passamaquoddys. The Passamaquoddys, even though they have been allowed, have never pursued having a high stakes bingo hall. If they do they must apply to the State of Maine and they must be approved by the Maine State Police and jump through all the hoops that are necessary to make sure that what they have is legal. Then they may apply to have 100 slots. This bill has been made as specific as possible and will continue to be narrowed down as we go through the process. Upon enactment, this bill will allow 100 machines. Yes, there is the possibility in the future that another tribe, the Passamaquoddys, can apply to have high stakes bingo and then they must jump through the hoops to get 100 machines. Does that answer the question of the Senator? Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the 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 (#399)

YEAS: Senators: BENOIT, BRANNIGAN, BRYANT, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, COURTNEY, HOBBS, MILLS, NASS, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) Report, ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-788) **READ.**

House Amendment "B" (H-923) to Committee Amendment "B" (H-788) **READ**.

Senator **STRIMLING** of Cumberland inquired if House Amendment "B" (H-923) to Committee Amendment "B" (H-788) was **GERMANE**.

Senate at Ease.

Senate called to order by the President.

The Chair **RULED HOUSE AMENDMENT "B" (H-923) TO COMMITTEE AMENDMENT "B" (H-788) GERMANE**.

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

Senator **STRIMLING:** Thank you, Madame President. I rise in opposition to this amendment. I think, for all the reasons that were stated before, that it's becoming clear from this amendment that these could be, and this question came up in our caucus, anywhere in the state because it is not designating in this amendment that it needs to be in a certain place. It's designating that it has to be on land that is owned by the tribe. We know that there are lands all over the state. I think what we are about to vote on is problematic at a minimum. It's no longer keeping it restricted to what we had talked about. 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 just want to understand, is the good Senator from Cumberland, Senator Strimling, opposed to reducing the number of slots from 400 to 100? Is that what this amendment does?

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

Senator **PLOWMAN:** Thank you, Madame President. I believe we are speaking about House Amendment "B" which was adopted in the House with a filing number of H-923 that specifically addresses the Senator's first question of how many machines there will be. This drops it from 400 to 100. I would suggest if you were concerned about getting 400 that this would be the amendment you would be talking about. Should you have any further questions I would save them for the amendments that are coming forward that will address where this will actually be located. No, this amendment answers your first question and I would be glad to have you join us to make sure that it stays below 400.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I would suggest that anybody who votes against this motion would be in opposition to reducing from 400 to 100.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I think I've got this straight. By voting against this amendment you are voting to keep more slots in the state. My good friend from Cumberland would like to keep more slots in the state if this passes. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I appreciate people trying to twist logic beyond belief. I will be opposing this amendment because I oppose the expansion of slot machines. I'll be happy to have that conversation one more time. Whether it is 100 slot machines, whether it is one slot machine, whether it is 400 slot machines, or 1,500 in Bangor I will oppose it because creating more slot machines in the state of Maine is going to do nothing but harm to the state of Maine. Nothing but harm. All you have to do is look at the evidence and see what it has done to communities across the country. The people of Maine have voted this down time and time and time again because they have understood it. Not because of Casinos No. Not because of anybody in particular. Because, in their wisdom, they have voted it down because it is bad for our economy and is bad for our people. We know it. I will oppose this amendment. I will oppose it because I do not believe that there should be any expansion of slot machines. If we want to do economic development in this state, if we want to help folks who are in poverty, I would be happy to have the conversation. I work with people in poverty every day. I understand what it is that you need to do to help somebody to move from that situation to a better situation. Usually what it has to do with, fundamentally, is education. If you want to help people move out of poverty then let's fund education and teach people. Give them the skills. Provide opportunities to walk a different path. Create jobs in communities. This is not an answer. This does not create economic development. We know it. Massachusetts just overwhelmingly rejected creating slot machines and casinos in Massachusetts. I would say overwhelmingly in a Democratic legislature because they recognized this doesn't help poor people. This doesn't help working-class people. This takes money and funnels it away from those who need it most. That's why it's wrong. Whether it's 400 or 100 I will oppose it until the end.

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

Senator **SHERMAN:** Thank you, Madame President. I have a question I would like to pose through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **SHERMAN**: Thank you, Madame President. I'd be interested if anyone could tell us the amount of money that is coming from Hollywood Slots now and where it is filtering into our economy? I believe it's some that is spread around the state. I'd be interested to hear that.

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

Senator **PLOWMAN**: Thank you, Madame President. I wish you had asked this when I had the sheet in my hand the other day. I will tell you that Hollywood Slots brought in about \$65 million last year. 51% of that went either to the cascade in different forms or to the City of Bangor. Those monies flowed into the Fund for a Healthy Maine, the General Fund, harness racing activities, monies for the technical colleges as well as the colleges, and the coffers of the City of Bangor for taxes. Then they spent money locally. They do probably 90% of what they do in the state of Maine locally. They buy their paper products. They hire their people. They have over 200 employees right now. They are hiring another 500 or so, I believe, because they are going to be up and running. They buy their food, supplies, and contribute to the local charities. Their people are very active. Some of them who work there are my neighbors. They don't have horns. It's absolutely amazing. I've run into them in the stores and I just can't believe it. We do have testimony that the crime did not increase in Bangor. We did have some gambling issues that came forward but the gambling issues, as investigated, were found to be people that already had a gambling problem. They had a gambling problem and used to gamble on-line. They used to gamble in someone's basement. They gambled here and there. When they show up they can actually not gamble at Hollywood Slots because they are on a list saying not to let them in any more. That's an educated gambler who knows that they have a problem. The money goes around and around and around in the state of Maine. That's one reason why I was so angry last year because it looked like Maine kept \$5.6 million out of the \$64 million. That is wrong. \$5.6 million is what flowed to the General Fund as a 1% fee, the top of the ticket and the top of the line. After that we were talking about lots of money. 51% of \$65 million flowed into the different cascade amounts that were set by statute for the people of the state of Maine. Out of the remaining 49% they paid their health insurance, their electric bill, they paid their taxes for having a building downtown, and they bought the things that they need to keep the place running. If you have a problem with that I would suggest that you really don't understand that this is business. You may not like how the business is generated but again I would point out to you that as you walk through the streets of Portland there are an awful lot of 7% sales taxes being collected in every bar downtown and it flows directly into the same General Fund and is spent just as gleefully as the money that comes from the racino in Bangor. Thank you.

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

Senator **SCHNEIDER**: Thank you, Madame President, men and women of the Senate. Regarding House Amendment "B", I think

it is only logical to assume that you are for reducing the number of slot machines rather than increasing them because that is what Amendment "B" is doing. It is reducing. Logically that is what we are voting on when we vote for this motion. Thank you.

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

Senator **MARRACHÉ**: Thank you, Madame President, men and women of the Senate. In House Amendment "B" it also limits when they can run these slots. Not only does it limit how many but it also limits how many times they can use them. It's only when they have their high stakes bingo. Currently it's only seven times in a year. It's not all the time. It's not going to be happening every day. It's only when they are having their high stakes bingo. Every amendment that we are adding on is narrowing it more and more. I hope you can support this amendment. Thank you.

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

Senator **STRIMLING**: Thank you, Madame President. Just to respond to a couple of points. To say that this is somehow or another, as my good colleague from Penobscot County said, this is reducing the number of slot machines by voting for this is completely inaccurate. Currently there are 1,500 slot machines authorized in the state of Maine. If this passes there will be 1,600. There is no reduction here in the number of slot machines. There may be a reduction from the proposed increase but there is no reduction. Secondly, I just looked up on-line as a point of information, Penobscot County voted against the expansion of gambling last fall. They were one of the counties to vote it down. Now we're expanding it.

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

Senator **SCHNEIDER**: Thank you, Madame President, men and women of the Senate. We just voted in favor of 400, so voting for this amendment, once again, logically would mean that you are reducing it because we just voted in favor of 400. Thank you.

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

THE PRESIDENT: The pending question before the Senate is Adoption of House Amendment "B" (H-923) to Committee Amendment "B" (H-788). 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 (#400)

YEAS: Senators: BENOIT, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, HOBBS, NASS, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, House Amendment "B" (H-923) to Committee Amendment "B" (H-788) **ADOPTED**, in concurrence.

On motion by Senator **MARRACHÉ** of Kennebec, Senate Amendment "A" (S-582) to Committee Amendment "B" (H-788) **READ**.

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

Senator **MARRACHÉ**: Thank you, Madame President, men and women of the Senate. This simply narrows it down yet again to an Indian tribe located on Indian Island in Penobscot County. That's where they will only be held at this point. Thank you.

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

Senator **RAYE**: Thank you, Madame President. I believe that this is the amendment that would effectively preclude Maine's other federally recognized tribes, the Passamaquoddis, from ever having the option to pursue this as well. I cannot support this motion.

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

Senator **PLOWMAN**: Thank you, Madame President, men and women of the Senate. I would urge you to vote for this amendment. With all due respect to the Senator from Washington, Senator Raye, this does not prevent them from ever having slots. It means that they would have to bring forward a bill as the Penobscots have and to put it through the process and find acceptance on its own level. We obviously cannot bind the next legislature. This would say that today we are talking about 100 slot machines for the Penobscots at Indian Island because of the inequities that have been placed upon them as they try to deal with the loss of business. A bill could come forward next year and the tribe would have to make its own case. It is not a forever no.

It is a limitation this year for this tribe that brought it forward. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Marraché to Adopt Senate Amendment "A" (S-582) to Committee Amendment "B" (H-788). 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 (#401)

YEAS: Senators: BENOIT, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NUTTING, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, HOBBS, NASS, RAYE, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: BROMLEY

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARRACHÉ** of Kennebec to **ADOPT** Senate Amendment "A" (S-582) to Committee Amendment "B" (H-788), **PREVAILED**.

Committee Amendment "B" (H-788) as Amended by House Amendment "B" (H-923) and Senate Amendment "A" (S-582) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "B" (H-923) AND SENATE AMENDMENT "A" (S-582)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1672

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO STOP GASOLINE PRICE MANIPULATION AND TO CLOSE THE ENRON LOOPHOLE

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

WHEREAS, energy prices are reaching an all-time high in the United States and its citizens are especially hard-hit in the State of Maine, as our cold winters are long and many of our citizens use petroleum products to heat their homes; and

WHEREAS, diesel fuel prices for Maine truckers are causing severe economic hardship for this hardworking industry and gasoline fuel prices continue to rise, causing financial hardship to all Maine citizens; and

WHEREAS, it is apparent to the United States Congress and the citizens of Maine that some of the serious factors causing the high prices are excessive trading, speculation and, allegedly, manipulation of the commodities market; and

WHEREAS, the United States Congress passed, in December 2000, at the behest of the American energy company Enron, what is known as "the Enron Loophole" as part of the Commodity Futures Modernization Act of 2000, Appendix E of P.L.106-554, 114 Stat. 2763, and this loophole allows electronic exchanges set up for large traders to operate without any federal oversight; and

WHEREAS, one of the fundamental purposes of futures contracts is to provide price discovery, and those selling or buying commodities in the spot market rely on futures prices to judge amounts to charge or pay for a commodity; and

WHEREAS, since the creation of the futures markets in the agricultural context decades ago, it has been widely understood that, unless properly regulated, the markets may distort the economic fundamental of price discovery through excessive speculation, fraud or manipulation, and the federal Commodity Exchange Act has long been praised as preventing those economic abuses; and

WHEREAS, a recent bipartisan United States Senate report, "The Role of Market Speculation in Rising Oil and Gas Prices: The Need to Put the Cop Back on the Beat," stated that as much as 25% of the cost of a barrel of crude oil may be due to the cost of speculation and profiteering taking place in these unregulated commodities markets; and

WHEREAS, this speculation and profiteering unfairly causes many Maine citizens to pay excessive fuel and gas prices; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully and strongly urge and request that the United States Congress rein in this excessive energy commodities speculation and enact meaningful reforms of the Commodity Futures Trading Commission, including closing "the Enron Loophole"; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1674

JOINT RESOLUTION RECOGNIZING THE MAINE SNOWMOBILE ASSOCIATION ON ITS 40TH ANNIVERSARY OF SERVICE TO MAINE'S CITIZENS

WHEREAS, the Maine Snowmobile Association was formed in 1968 by a group of concerned sports enthusiasts dedicated to the safe and responsible operation of snowmobiles in the State; and

WHEREAS, the 285 snowmobile clubs of the Maine Snowmobile Association now represent approximately 26,800 individuals and 2,000 businesses statewide; and

WHEREAS, these citizens, through dedication to landowner relations and volunteer effort, have created a 13,000-mile trail system that is regarded as one of the finest snowmobile systems in the United States; and

WHEREAS, these citizens have persevered in maintaining and improving the image of family snowmobiling in the State and support the safe operation of snowmobiles throughout the State through adoption of appropriate legislation and enforcement of the State's laws; and

WHEREAS, snowmobiling generates an estimated \$350,000,000 in annual economic activity statewide, promoting the local economies of many rural areas; and

WHEREAS, the Maine Snowmobile Association celebrates its 40th anniversary this year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Special Session, recognize this occasion and offer the Maine Snowmobile Association our heartiest congratulations on this milestone, with continued good wishes for many years of service to the people of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Snowmobile Association in honor of the occasion.

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

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Portions of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office (EMERGENCY)
H.P. 1612 L.D. 2250

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, 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 Reduce Wild Blueberry Theft
S.P. 795 L.D. 2001
(C "A" S-542)

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

Emergency Measure

An Act To Provide Tax Relief to Maine's Forest Products Industry
S.P. 857 L.D. 2225
(C "A" S-559)

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

Emergency Measure

An Act To Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District
H.P. 1658 L.D. 2299

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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:

Emergency Resolve

Resolve, Regarding ISO New England
S.P. 884 L.D. 2254
(C "A" S-545)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Help Prevent Identity Theft

H.P. 1479 L.D. 2093
(C "A" H-905)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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:

**Resolve Pursuant to Constitution
Public Land**

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands

S.P. 889 L.D. 2260
(C "A" S-556)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 34 Senators having voted in the affirmative and no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 the Health of Infants

H.P. 507 L.D. 658
(C "B" H-891)

An Act Concerning Certain Excavations

H.P. 1430 L.D. 2046
(C "A" H-897)

An Act To Amend the Laws Governing Lobbyist Disclosure

H.P. 1452 L.D. 2068
(C "A" H-895)

An Act To Protect Homeowners from Equity Stripping during Foreclosure

H.P. 1559 L.D. 2189
(C "A" H-892)

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 Eliminate the Property Tax on Business Equipment Owned by Small Retailers

S.P. 318 L.D. 1001
(C "B" S-459; S "A" S-543)

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

An Act To Enhance Economic Development in Maine's Aviation Industry

S.P. 770 L.D. 1976
(C "A" S-485)

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

An Act To Increase Access to Dental Care

H.P. 1562 L.D. 2192
(C "A" H-902)

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

An Act To Establish a Railroad Crossing Information Council

S.P. 847 L.D. 2199
(C "A" S-549)

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

An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations
S.P. 636 L.D. 1792
(C "A" S-532)

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

An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program
H.P. 1383 L.D. 1947
(C "A" H-894)

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

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

ENACTORS

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

Acts

An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine
H.P. 1655 L.D. 2295

An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data
S.P. 917 L.D. 2297

An Act To Improve the Reporting Requirements of Boards and Commissions
H.P. 1657 L.D. 2298

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 Implement the Recommendations of the Alternative Education Programs Committee
H.P. 1661 L.D. 2303

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

An Act Regarding the Statewide Homeless Council
S.P. 916 L.D. 2296

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#402)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

ABSENT: Senator: BROMLEY

34 Senators having voted in the affirmative and No Senator 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.

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

ENACTORS

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

Resolves

Resolve, To Advance Maine's HealthInfoNet Program
H.P. 1251 L.D. 1797
(C "A" H-900)

Resolve, Implementing the Recommendations of the Commission To Study Primary Care Medical Practice
S.P. 910 L.D. 2286

FINALLY PASSED 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:

Act

An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

H.P. 1361 L.D. 1923
(C "A" H-904)

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:

Act

An Act To Generate Savings by Changing Public Notice Requirements

H.P. 1310 L.D. 1878
(C "B" H-684)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BOWMAN for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY)

S.P. 918 L.D. 2300

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

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

READ ONCE.

Committee Amendment "A" (S-584) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Operations of the Greater Portland Public Development Commission"

H.P. 1556 L.D. 2186

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

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
RECTOR of Thomaston
BEAUDETTE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-809)**.

Signed:

Senator:

COURTNEY of York

Representative:

CLEARY of Houlton

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AND HOUSE AMENDMENT "A" (H-969)**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, 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 Allow a Municipality To Adopt a Program To Provide Property Tax Benefits to Senior Citizens

H.P. 1571 L.D. 2202
(C "A" H-903)

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

Ought to Pass Pursuant to Statute

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create Efficiencies in Professional Licensing Laws Pursuant to the State Government Evaluation Act Review of the Department of Professional and Financial Regulation"

H.P. 1644 L.D. 2278

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY HOUSE AMENDMENT "A" (H-967)**.

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

READ ONCE.

House Amendment "A" (H-967) **READ** and **ADOPTED**, in concurrence.

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

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

Senator **MITCHELL** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 766

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 9, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 817 An Act To Support the Maine Keeping Seniors Home Program

- L.D. 925 An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities
- L.D. 1848 An Act To Promote Sustainable Prosperity
- L.D. 1852 An Act To Provide Taxpayer Relief

April 8, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Jeremy Fischer
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:

SENATE PAPERS

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

S.P. 925 L.D. 2315

Sponsored by Senator MARRACHÉ of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator MARRACHÉ of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down 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. 767

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

Dear President Edmonds and Speaker Cummings:

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

- L.D. 65 An Act To Provide Funding for Mentoring Programs
- L.D. 120 An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais
- L.D. 186 An Act To Provide Funding to the St. Francis Water District for New Wells
- L.D. 189 An Act To Invest in an Allied Health Center at Northern Maine Community College
- L.D. 314 An Act To Restore Funding for the Reading Recovery Program
- L.D. 425 An Act Regarding the Accounting Procedure for Certain State Programs
- L.D. 646 An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs
- L.D. 721 An Act To Restore Support for HIV and AIDS Treatment and Prevention
- L.D. 744 An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine
- L.D. 782 An Act To Establish a New Method of Determining the State Budget
- L.D. 793 An Act To Provide Essential Library Resources to All Maine Communities
- L.D. 804 An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency
- L.D. 1190 An Act To Promote Economic Growth through Education for Androscoggin County
- L.D. 1268 An Act To Fund the Nursing Education Loan Repayment Program and Fund

L.D. 1654 An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "A" (S-526) TO COMMITTEE AMENDMENT "A" (H-656)** and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-588) to Committee Amendment "A" (H-656) **READ** and **ADOPTED**.

Committee Amendment "A" (H-656) as Amended by Senate Amendment "B" (S-588) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "B" (S-588) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/8/08) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code" (EMERGENCY)
H.P. 1524 L.D. 2145

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-942)** (6 members)

Tabled - April 8, 2008, by Senator **WESTON** of Waldo

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

(In House, April 8, 2008, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 8, 2008, Reports **READ**.)

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to speak just briefly on this. This is a bill to conform Maine's tax code to the Internal Revenue tax code. I'm a cosponsor of that bill. Generally it's a good idea for us to conform whenever we can, wherever we can. Unfortunately, some of that conformity comes with a really big price tag and if that is something we are going to do it really needs to be part of the budget or a bigger tax package. I move the Ought Not to Pass Report. Either way, this bill is going to go to the Appropriations Table. There is not money to fund it. I figured we'd save a step by killing it right here. Thank you.

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

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Jeremy Fischer
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 (4/8/08) Assigned matter:

Resolve, To Establish the Maine Tree Growth Tax Law Review Committee

H.P. 421 L.D. 543
(S "A" S-526 to C "A" H-656)

Tabled - April 8, 2008, by Senator **WESTON** of Waldo

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "A" (S-526)** thereto, in **NON-CONCURRENCE**.)

(In House, April 7, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-956)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **PERRY** of Penobscot, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "A" (S-526)** thereto, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "A" (S-526)** thereto.

House Amendment "A" (H-956) to Committee Amendment "A" (H-656) **READ**.

On motion by Senator **PERRY** of Penobscot, House Amendment "A" (H-956) to Committee Amendment "A" (H-656) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **NASS**: Thank you, Madame President, ladies and gentlemen of the Senate. Again, my comments will be very brief. There is going to be a philosophical difference, I guess. Certainly conformity in the past has not been expensive. We've been very careful to conform because of the administrative savings. As I said a couple of days ago when we last talked about tax issues, we've been well advised in the past to conform because of the cost. Over time the cost gets to be a real burden for our citizens and our businesses. This has the same theme. That hasn't changed. Unfortunately, in recent times conformity has taken on political ramifications as opposed to just being administrative or financial. That came with the big federal tax cuts a few years ago. In the beginning years of that effort we didn't conform on a lot of things. There were a whole host of things. The politics of that made it difficult for this Body, apparently, to agree with much of anything that was in that proposal. Over time we found a way to conform to all of those hot button issues that were involved in that. There are only a few left. There is real big one, of course, that is left. We'll talk about that later. There is another bill coming forward. That is the estate tax.

There is another thing, and I think it's worth talking about today, and that is the effect on our businesses. There has been, in recent times, opportunities created by the federal government to encourage the purchase of new capital equipment by our businesses. There was a scheme a couple of years ago that would have provided a benefit on a bonus depreciation basis. In other words a more rapid depreciation for equipment purchased at that time. Years have gone on and that has expired. We didn't conform and the availability of that has disappeared. The penalty though of doing that I think we should recognize. When you are encouraged to buy new equipment by the federal government but discouraged by the state government from taking advantage of that what you are forced into doing is setting up two sets of depreciation schedules for equipment you might choose to buy to get the federal benefit. You buy a piece of equipment and you now have two schedules to show depreciation, one for the federal government and one for the state. That's an administrative burden, Madame President, that seems unreasonable to subject our businesses to. We are about to engage in that again. We have another opportunity the federal government has provided us, apparently, to engage in that same kind of effort. Buy the equipment now and you get the ability to write it off over a quicker period of time, a less number of years. It appears that we are not going to engage in conformity on that effort either that is coming down the pike as a result of recent Congressional action. Later on we are going to talk in detail about the estate tax. It appears that we are going to get to that effort. That discussion might be a little longer. It's my purpose today to encourage you to vote against the pending motion and send this to the table. It's very philosophical. We can't pay for it. The cost is around \$35 million in the current biennium. That's mostly about the estate tax but this is something we ought to do. I would encourage you to vote against the pending motion. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Perry to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#403)

YEAS: Senators: MARTIN, MITCHELL, PERRY, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

ABSENT: Senators: BRANNIGAN, BROMLEY

6 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-942)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-942) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-942)**, 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 Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations
S.P. 636 L.D. 1792
(C "A" S-532)

Tabled - April 9, 2008, by Senator **WESTON** of Waldo

Pending - **ENACTMENT**, in concurrence.

(In Senate, April 4, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)**.)

(In House, April 9, 2008, **PASSED TO BE ENACTED**.)

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

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

Committee Amendment "A" (S-471) as Amended by Senate Amendment "A" (S-592) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-471) AS AMENDED BY SENATE AMENDMENT "A" (S-592) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

The Chair laid before the Senate the following Tabled and Later (3/28/08) Assigned matter:

An Act To Ensure Legislative Review of Fire Sprinkler Rules
S.P. 775 L.D. 1981
(C "A" S-471)

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

Tabled - March 28, 2008, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

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

(In Senate, March 20, 2008, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-471)**.)

(In House, March 28, 2008, **PASSED TO BE ENACTED**.)

Off Record Remarks

On motion by Senator **MARTIN** of Aroostook, 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-471)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-471).

On further motion by same Senator, Senate Amendment "A" (S-592) to Committee Amendment "A" (S-471) **READ**.

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

Senator **MARTIN:** Thank you, Madame President. This is the bill which deals with they issue of sprinklers in grange halls and all other facilities under the new code. The committee reported the bill out unanimously but there was a question as to the effective date. What we are doing is going back to the date prior to the new rules having been adopted by the fire marshal. This sets September 1, 2007 and therefore any attempt to create those kinds of sprinkler requirements will be a substantive rule and have to come back to the Criminal Justice Committee.

On further motion by same Senator, Senate Amendment "A" (S-592) to Committee Amendment "A" (S-471) **ADOPTED**.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Thursday, April 10, 2008, at 10:00 in the morning.