

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

First Special Session
April 1, 2008 to April 18, 2008

Pages 1760 - 2135

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 Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

H.P. 1662 L.D. 2304
(H "B" H-994; S "A" S-645)

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

HELD MATTER

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)

H.P. 1667 L.D. 2307
(S "D" S-639; S "E" S-651)

(Committee on **APPROPRIATION AND FINANCIAL AFFAIRS** suggested and ordered printed)

(In House, April 8, 2008, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In Senate, April 16, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator **RAYE** of Washington, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "E" (S-651)**, without reference to a Committee, in **NON-CONCURRENCE**.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Enhance the Security of State Credentials"

H.P. 1669 L.D. 2309

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1020) (8 members)

Minority - Ought Not To Pass (5 members)

Tabled - April 17, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, April 16, 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-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026)** thereto.)

(In Senate, April 17, 2008, Reports **READ**.)

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. The people of Maine are watching us. Their eyes are upon us. I truly believe that they wonder what we are thinking. When I listen to some of the over-heated rhetoric surrounding this bill I, too, wonder. This is going to require, in order to be issued a driver's license, that one must be legally a resident of the U.S. It's going to require that the license not extend beyond the time the licensee is authorized to be in the U.S. It's going to require that the Secretary of State take and maintain photographs of applicants. There is no data base that we have to submit information to. We heard that from the Senator from Knox, Senator Savage. There is no national data base. It doesn't even exist. I heard one member of this Body say that it was time that we exerted our independence, but we are not an independent nation. We are part of these United States of America. I think it is our responsibility to acknowledge that. We don't agree, each and every one of us or individually, with every law that is passed in this country, but we are a nation of laws and we are not a sovereign country in the state of Maine. We are part of these United States and I do not accept the premise that it is wise policy for us to act as if we are not.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I know it's late and I know we've all taken the pledge not to belabor the debate. This debate, for me, goes to the very core of why I'm here. My father, Lee Bromley, was a patriot, a conservative who fought in the Korean War and WWII. He said to me, as a young person, 'I don't ever want to live in a country where I have to have papers.' That's really it. I know it would be easier to go with the flow, but I respectfully ask that we support the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Benoit.

Senator **BENOIT**: Thank you, Madame President. I'd love to share all kinds of stories about my heritage, but if you remember correctly in the last session a few people here felt I didn't need to know. I'll bypass all that and spare you all the details that I don't know about, but will in 2009. I would just like to take a moment to just state clearly what's been going on here. I'm just going to read through this so I can make it really quick. Maine's current law requires that in order to get a license you must present a valid Social Security number. If you don't have a Social Security number you must have written evidence to the Secretary of State that the applicant is ineligible to secure such a number. If an individual does not have a Social Security number the DMV enters 999-99-9999 in their data base. There are 2029 Maine state identification cards issued to persons with 9999 numbers; 1898 are currently active, 37 others have been suspended, and 69 have been voluntarily surrendered to other states in exchange for a valid driver's license in that state. There are 3417 driver's licenses issued to persons with 9999 numbers. Of these 3018 are currently active; 42 others have been revoked, and 267 have been turned in to other states or exchanged for a driver's license in the other state. There was a more than 340% increase in 9999 licenses being issued between 2005 and 2006. Of these licenses and state identification cards issued the resident's addresses listed on the document issued were as follows, and I'll just list a few; 14 were issued to persons claiming the Scotia Prince, 806 were issued to persons claiming the UPS store location, 108 were issued to persons claiming seasonal campgrounds here in Maine, 1254 used a UPS box as their main residence, one actually listed a hospital, two listed a hotel, seven listed commercial mailing facilities, and 3002 listed off-campus apartments or single family homes. It's time for us to take a look at this. I'm not sure what the confusion is. I don't see this as National ID. I didn't support National ID first time around. I was very outspoken on that. I don't see this as a threat to my independence. I see this as just putting everyone on the table so we know what's going on. I have received e-mails from law enforcement. They haven't got a clue. They can't do anything about it if they do have a clue. I'm not feeling safer knowing that this is going on. I don't know if I'm going to feel safe even if this passes and we identify this and take care of it. This is a step in the right direction from where I'm sitting.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE**: Thank you, Madame President, men and women of the Senate. One more time, let me emphasize this bill does not, does not, I repeat, require us to participate in Real ID. We are not committing ourselves to \$71 million. Let me repeat that again. We are not committing ourselves to spending \$71 million. Thank you.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **BRYANT**: Thank you, Madame President. My question is, on the 9999 numbers for licenses, I guess I'm getting a little bit

confused. On what does L.D. 2304 do? Can anybody answer that?

THE PRESIDENT: The Senator from Oxford, Senator Bryant poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON**: Thank you, Madame President. L.D. 2304, which is the Maine residency driver's license, addresses the issues that were brought up earlier by the good Senator from Sagadahoc, Senator Benoit. Issues that things were very lax for the State of Maine in terms of issuing licenses. It tightens those all up and I believe it requires a full Social Security number. Thank you.

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

The Chair noted the absence of the Senator from Penobscot, Senator **PLOWMAN** and further excused the same Senator from voting on this matter.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#459)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

EXCUSED: Senator: PLOWMAN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#460)

YEAS: Senators: BENOIT, BOWMAN, BRYANT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BRANNIGAN, BROMLEY, DAMON, HOBBS, MARRACHE, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

EXCUSED: Senator: PLOWMAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1020) **READ.**

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Trying to do away with the \$6 million fiscal note on this, this amendment places a contingency effective date on the bill to delay the implementation until after federal funding is received to cover the State's cost of compliance with the federal Real ID Act 2005. The Secretary of State is required to consult with other states agencies to determine the cost of compliance. This amendment also removes the appropriations and allocations section from the Committee Amendment. I would urge its adoption. Thank you, Madame President.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020).

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Albeit the good intentions; if this amendment were to be put on the bill it would essentially put everything on hold and essentially exempt everything this Majority Report would do. I would urge you to vote for the Indefinite Postponement.

On motion by Senator **RAYE** of Washington, 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 Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I would urge you to oppose the pending motion, in spite of the wishes of my good Senator from Cumberland, Senator Diamond, to do the opposite. In regards to some of the speeches that I heard earlier in the debate, we were talking about proceeding in a slow and cautious manner. My original motion might have been a bit too radical, but one of the things that my father used to say to me was that when you are in a hurry, go slow. This will give us an opportunity to go slow. This will give us an opportunity to conform to the requests of the federal government, which we have opted to do with our previous vote, and we will be on board with them as soon as they are on board with us. Please oppose the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. If you look into this you will find there is no \$6 million fiscal note on this. Please support the Indefinite Postponement.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Indefinitely Postpone Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020). 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 (#4621)

YEAS: Senators: BENOIT, BOWMAN, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BRANNIGAN, BROMLEY, BRYANT, DAMON, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

EXCUSED: Senator: PLOWMAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020), **PREVAILED.**

On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020) **READ.**

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

Senator **BARTLETT:** Thank you, Madame President. In light of the foregoing votes, this Body has decided they want to move forward with compliance with the federal Real ID Act. I believe that it is important that we get this right and that we do this at the minimal cost to the state. Again, we just voted that we will fund this ourselves. The way to do that is to really explore the options and to make sure that what we bring forward is the best solution at the least cost for compliance for the State of Maine. We owe that to our taxpayers. Senate Amendment "C" would replace the Committee Amendment and create a taskforce that will be convened by the Secretary of State to study the most cost effective and efficient ways to enhance Maine's driver's licenses and ID cards in order to comply with the federal Real ID Act of 2005. In convening that group, the Secretary of State would bring together various experts on immigration law, advocates for rights of immigrant populations, law enforcement officials, and the Attorney General's Office to truly make sure we are doing this in the best possible way. The report back date would be December 3, 2008, the day that the 124th Legislature convenes again in this Chamber. That will give us time to fully vet the legislation and enact it to comply with the deadline pushed forward by the Department of Homeland Security. Indeed, in the letter from the Department of Homeland Security to the Chief Executive it specifically states that any measures that must be adopted by the legislature should take effect by December 15, 2008. As I said earlier, there is no need to rush something through that is imperfect or that may be much more expensive than the taxpayers of the state of Maine deserve. Let's take our time. Let's craft the best possible legislation at the least cost, which should always be our goal, and present that for enactment the day the 124th Legislature comes in on December 3, 2008.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020).

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. The good Senator from Cumberland, Senator Bartlett, said it right. What this does is strike the entire bill and replaces it with a Resolve. The Secretary of State can do a study anyways. I suspect he's going to. That's the purpose of getting us beyond December 15th, so that not only he but also the rest of us can be involved.

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 pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Indefinitely Postpone Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020). 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 (#462)

YEAS: Senators: **BENOIT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON**

NAYS: Senators: **BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS**

ABSENT: Senator: **STRIMLING**

EXCUSED: Senator: **PLOWMAN**

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020), **PREVAILED.**

House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto, **ADOPTED**, in concurrence.

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

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

Senator **MARTIN:** Thank you, Madame President. Before we vote on Engrossment, unless I'm wrong, and I'm reading the Committee Amendment right, this legislation will impose a \$15 fee, apparently some people are not calling it a tax, for non-commercial driver's licenses on every Maine citizen that has a license. I'm pleased to welcome certain members of this Body who have been opposed to voting for any fees. I'm going to watch them with pleasure as they vote for this one.

Same Senator requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President. The good Senator from Aroostook, Senator Martin, is reading the original amendment. The amendment that comes from the House scratches that.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I would point out that this was voted in committee

with the fee and so those members of that party voted for a fee. I want to point that out. I would pose a question through the Chair to a member of the Transportation Committee who may choose to answer.

THE PRESIDENT: The Senator may pose his question.

Senator **MARTIN:** Thank you, Madame President. How are we paying for this?

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

Senator **SAVAGE:** Thank you, Madame President. I would like to just point out to the good Senator that he should look at the report from the committee. It was bipartisan. It wasn't just this side of the Body.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you, Madame President. I would like to know how this is going to be paid for?

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026)** thereto, in concurrence. (Roll Call Requested)

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Enhance the Security of State Credentials"
H.P. 1669 L.D. 2309

Tabled - April 17, 2008, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026)** thereto, in concurrence. (Roll Call Requested)

(In House, April 16, 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-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026) thereto.)

(In Senate, April 17, 2008, Reports **READ**. Motion by Senator **DAMON** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**. Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-1020) **READ**. On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-654) to Committee Amendment "A" (H-1020) **READ**. On motion by Senator **DIAMOND** of Cumberland, **INDEFINITELY POSTPONED**. On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1020) **READ**. On motion by Senator **DIAMOND** of Cumberland, **INDEFINITELY POSTPONED**. House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020) **READ** and **ADOPTED**, in concurrence. Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto, **ADOPTED**, in concurrence. **RULES SUSPENDED. READ A SECOND TIME.**)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his request for a roll call.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020) AS AMENDED BY HOUSE AMENDMENT "B" (H-1026) thereto, in 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

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Health Care Bill of Rights"

H.P. 912 L.D. 1294

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-650)** (7 members)

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

In House, April 16, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-650) AS AMENDED BY HOUSE AMENDMENT "A" (H-1018)** thereto.

In Senate, April 16, 2008, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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