

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session  
April 4, 2005 to June 17, 2005

Pages 411 - 1350

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-288)**.

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

**READ ONCE**.

Committee Amendment "A" (S-288) **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.

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Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish Permanent Subsidized Guardianship"

S.P. 481 L.D. 1382

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-305)**.

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

**READ ONCE**.

Committee Amendment "A" (S-305) **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.

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

**HELD MATTER**

Bill "An Act Regarding Tribal Gaming and Gaming by Nonprofits"  
H.P. 788 L.D. 1145  
(C "A" H-550)

(In Senate, May 31, 2005, under Suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence.)

On motion by Senator **BRYANT** of Oxford, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**, in concurrence.

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-550)**, in concurrence.

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On motion by Senator **SNOWE-MELLO** of Androscoggin, the Senate **RECONSIDERED** whereby it **ADHERED** on the following:

Bill "An Act To Amend the Laws Governing Concealed Firearms Permits"

H.P. 624 L.D. 874

(In House, May 26, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385)**.)

(In Senate, May 26, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 31, 2005, that Body **ADHERED**.)

(In Senate, May 31, 2005, **ADHERED** to **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report.)

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

Senator **SNOWE-MELLO:** Thank you, Madame President and honorable ladies and gentlemen of the Senate. I stand here to day to ask you to please consider and vote for L.D. 874. It changes current law and has been amended from the original bill and now does the following: it allows Maine to open their reciprocal agreements to all states that have laws that are greater than or equal to ours, not just the two that are in statute currently. What are the qualifications that are required for L.D. 874 as amended? Persons must be 18 years-of-age, of good moral character, no criminal record, no drug involvement, no mental illness or disorder, and must demonstrate proficiency and knowledge of the laws of this state and the other. Again I stress, we would be allowing this to take place only if the other state agrees to reciprocate with Maine in regards to allowing our gun owners to carry concealed weapons if the other state's laws are equal or greater. In our constitution, in Article 1, section 16, it states, 'To keep and bare arms: every citizen has the right to keep and bare arms and this right shall never be questioned.' I ask you to vote against the majority Ought Not to Pass report and go on to recede and concur with the house.

Same Senator moved the Senate **RECEDE** and **CONCUR**.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I would ask you to stick with the motion to adhere. This bill does a couple of things. The reason the State Police in the State of Maine are very opposed to this is because of a couple of reasons. First off, the current law does say that Maine can reciprocate with two different states. The problem is that they have been unable to find two states that meet Maine's standards. It's a real problem for the State Police to consider going beyond two since they can't find two to date. Two, having people come into the State of Maine and meeting those state's standards. We don't know what they may be and to lower Maine's standards to let that happen just doesn't make sense.

Again, the State Police oppose this. They opposed it for good sound reasons. They cannot find other states that have the same standards that we do. It is not a question of having two states already and now we need to do more. They just don't exist out there. The Maine State Police are very accurate and concerned about who they allow to have a concealed weapon permit in this state. I would ask you to stay with the adhere. There are good reasons for it. Then we can kill this bill. Thank you.

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

Senator **SNOWE-MELLO:** Thank you, Madame President. Again, I have to stress that what this amendment says is that other state, any state that we wish to have a joint agreement with, would have to have the same laws or greater or stricter laws than our laws. Remember that many folks, many men and women, carry concealed weapons to protect their families, protect themselves, and protect their families. I think it's very important that we pass this bill. I think to do otherwise would be going against our constitution. Police do a wonderful job protecting us but there are times when they are not there. There are many times that they are not there. Again, I am a strong believer in Article 1, section 16. Every citizen has the right to keep and bare arms. This right shall never be questioned. What's wrong if we can't find another state that wishes to do this with is.

I want to answer the question or the statement that we haven't been able to find two states that would be able to do this with us. The reason is because we simply have not been looking. I ask you to please vote against the adhere and recede and concur with the House. Thank you.

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

Senator **DIAMOND:** Thank you, Madame President. I think this isn't really for Maine people, it is for out-of-staters who want to come to Maine. That is one of the reasons the State Police is concerned about this, so I would just ask you to stick with the adhere. Thank you.

On motion by Senator **DIAMOND** of Cumberland, 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 Turner.

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **TURNER:** Thank you, Madame President. If we were to recede and concur would that not relax the standards of our own concealed weapons permitting process?

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

Senator **SNOWE-MELLO:** Thank you, Madame President. No it would not.

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

Senator **DIAMOND:** Thank you, Madame President. This debate has gone on long enough. I think it is one of the reasons the police are concerned about it. Thank you.

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **TURNER:** Thank you, Madame President. If we recede and concur, as suggested by one of the members in the chamber, does that not allow then for Maine citizens to be operating under one set of rules for a concealed weapons permit and for people from other states to be operating under lesser restrictions?

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. No, it would not be lessening the laws of our state because, as I said over and over again, the laws of any state that we go into to make this agreement their laws would have to be the same as ours or greater, meaning they would have to be a tougher standard than ours. No, it would not do that. It would not relax our own laws.

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

Senator **CLUKEY:** Thank you, Madame President, ladies and gentlemen of the Senate. Having been at the public hearing, no body testified in favor of this bill. It is my understanding that this would very much relax the laws of the State of Maine in terms of concealed weapons. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Snowe-Mello to Recede and Concur. 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 (#206)

YEAS: Senators: ANDREWS, BRYANT, COURTNEY, DAVIS, GAGNON, PLOWMAN, RAYE, SNOWE-MELLO, WESTON

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, CLUKEY, COWGER, DAMON, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **SNOWE-MELLO** of Androscoggin to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **DIAMOND** of Cumberland, the Senate **ADHERED**.

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Senate at Ease.

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Revaluation Process by Municipalities"  
S.P. 550 L.D. 1563

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

Signed:

Senators:  
PERRY of Penobscot  
STRIMLING of Cumberland  
COURTNEY of York

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-303)**.

Signed:

Representative:  
SEAVEY of Kennebunkport

Reports **READ**.

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

On motion by Senator **SULLIVAN** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Create a Senior Tax Rebate Program for Established Residents"  
S.P. 41 L.D. 135

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-302)**.

Signed:

Senators:  
PERRY of Penobscot  
STRIMLING of Cumberland  
COURTNEY of York

Representatives:  
HANLEY of Paris  
CLARK of Millinocket  
WOODBURY of Yarmouth  
CLOUGH of Scarborough  
PINEAU of Jay  
WATSON of Bath

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

Signed:

Representatives:  
McCORMICK of West Gardiner  
BIERMAN of Sorrento

Reports **READ**.

On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.