

# 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

Senate at Ease.

Senate called to order by the President.

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

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**

**Non-Concurrent Matter**

Bill "An Act To Expedite the Maintenance and Repair of Maine's Transportation Network" (EMERGENCY)  
S.P. 932 L.D. 2324

Committee on **TRANSPORTATION** suggested and ordered printed.

In Senate, April 17, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1040)**, without reference to a Committee, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED**.

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. 805

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 17, 2008

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	43
Unanimous Reports	37
Ought to Pass	4
Ought to Pass as Amended	19
Ought Not to Pass	14
Divided Reports	3
Taken from Committee Pursuant to Jt. Rule 309	2
Committee Bills & Papers Pursuant to Joint Order	1
Gubernatorial Nominations	6

Respectfully submitted,

S/Barry J. Hobbins  
Senate Chair

S/Deborah L. Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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 Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)  
S.P. 931 L.D. 2323

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

In Senate, April 16, 2008, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "G" (H-1041)**, without reference to a Committee, in **NON-CONCURRENCE**.

Senator **BOWMAN** of York moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **RAYE** of Washington, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED**, without reference to a Committee.

On further motion by same Senator, Senate Amendment "A" (S-682) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. This amendment that I am offering replicates the amendment that this Body overwhelmingly approved to L.D. 1932. It is the product of the unanimous report of the Committee of Conference to that bill. It would allow the ability of a municipality to withdraw from a school administrative district, regional school unit. Unfortunately, with the bill before us our municipalities across the state will be denied the opportunity to withdraw from a district and I think that this is going to leave a lot of towns trapped in districts where they may not want to go. We've made the decision on this once but we felt that this amendment was the way to go. It also would allow the alternative of school unions, which we have debated in the past. It includes the so-called Gooley-Carter language that provides for an exception for those areas where you have less than 50 residents per square mile. I hope that the Senate will maintain the support that we expressed earlier for these items as we move forward with this issue. Thank you.

Senator **BOWMAN** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-682).

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

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I certainly won't debate this for very long because we know this bill probably better than we know our own families at this point. I'm going to support the motion to Indefinitely Postpone. It's no secret to anybody in this Chamber that I'm a big fan of unions. I'm also a big fan of getting something done. We did support this before. We've been very unsuccessful with it. It is time now to move to something that can work. I don't know if you've had a chance to read the bill that is on your desk that we dealt with yesterday, but it allows for an application for an alternative government structure which looks a bit like a union but is not a union. It is an opportunity for towns who wish to maintain their municipality status to have interlocal agreements. I hope you will join us in Indefinitely Postponing this amendment and moving on to something that makes this process work. We really need to go home having accomplished the things that many of the districts in this state are actually trying to accomplish but the tools that they need are in the major portion of this bill.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Bowman to Indefinitely Postpone Senate Amendment "A" (S-682). 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 (#465)

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, PERRY, ROTUNDO, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, WESTON

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-682), **PREVAILED**.

Senator **BOWMAN** of York moved the Senate **CONCUR**.

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 (#466)

**YEAS:** Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, PERRY, ROSEN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, WESTON

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **CONCUR**, **PREVAILED**.

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