

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
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Pages 1 - 1159

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
January 27, 2009

Senate called to order by President Elizabeth H. Mitchell of
Kennebec County.

Prayer by Reverend Douglas Nielsen, First Parish Congregational
Church UCC of Saco.

REVEREND NIELSEN: Thank you, President Mitchell. I've been
warned not to say anything bad about my friends, Senator
Sullivan or Hobbins, so I'll simply say that I followed some blue
license plate up here this morning from the Saco area. I went
right behind that car, knowing I would get here quickly. I could
not keep up with that car and part of my prayer is that your
business will be handled so speedily as that car was traveling.

It's a privilege to represent the people of First Parish and we
bring this blessing to you. Originally a Franciscan blessing that
originally from the National Council of Churches. Whatever is
appropriate for you, with respect to prayer, I invite you into that
place of prayer. Let us be united.

May God bless you with discomfort: discomfort at easy
answers, at half-truths, and superficial relationships, so that you
may live deep within your heart. May God bless you with anger:
anger at injustice, oppression, and exploitation of people, so that
you may work for justice, freedom, and peace. May God bless
you with tears to shed for those who suffer from pain, rejection,
starvation, and war, so that you may reach out your hand to
comfort them and to turn their pain into joy. May God bless you
with enough foolishness to believe that you can make a difference
in this state and in this world, so that you can do what others
claim cannot be done. Be so foolish. Amen.

Pledge of Allegiance led by Senator Lawrence Bliss of
Cumberland County.

Reading of the Journal of Wednesday, January 21, 2009.

Doctor of the day, Dr. Janice Petzel, MD of Hallowell.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue for
Economic Recovery" (EMERGENCY)
H.P. 179 L.D. 214

Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to
the Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Assist
the University of Maine System in the Conversion of the
Educational Broadband Spectrum from Analog to Digital"
H.P. 168 L.D. 203

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

Comes from the House, **REFERRED** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS.

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to
the Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Amend the Law Governing Property Insurance on
a Primary Residence"
H.P. 181 L.D. 216

Comes from the House, **REFERRED** to the Committee on
INSURANCE AND FINANCIAL SERVICES and ordered printed.

On motion by Senator **BOWMAN** of York, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed, in concurrence.

Bill "An Act To Clarify Child Abuse and Neglect Information
Disclosure"
H.P. 141 L.D. 162

Committee on **HEALTH AND HUMAN SERVICES** suggested and
ordered printed.

Comes from the House, **REFERRED** to the Committee on
JUDICIARY.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED**
to the Committee on **JUDICIARY** and ordered printed, in
concurrence.

Resolve, To Fund the Nursing Education Loan Repayment Program (EMERGENCY)

H.P. 171 L.D. 206

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 25

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

January 20, 2009

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333
Dear Secretary O'Brien:

Pursuant to my authority under Title 2, MRSA, Chapter 5, §104, I am pleased to appoint the following Senators to the Advisory Council on Health Systems Development:

Senator Peter Bowman of York, reappointment
Senator Peter Mills of Somerset

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Ensure That the Money Received from the Surcharge on Registration of Pet Food Is Used for the Sterilization of Animals" (EMERGENCY)

S.P. 73 L.D. 223

Presented by Senator DAVIS of Cumberland.
Cosponsored by Senators: NUTTING of Androscoggin, SHERMAN of Aroostook, Representatives: FLOOD of Winthrop, PIOTTI of Unity, WHEELER of Kittery.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Improve State Parks"

S.P. 72 L.D. 222

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative PERCY of Phippsburg and Senator: BOWMAN of York, Representatives: BERRY of Bowdoinham, MacDONALD of Boothbay, SMITH of Monmouth, WEBSTER of Freeport.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits"

S.P. 90 L.D. 267

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative SARTY of Denmark and Senators: BARTLETT of Cumberland, BRANNIGAN of Cumberland, HASTINGS of Oxford, Representatives: CAMPBELL of Newfield, DRISCOLL of Westbrook, PEOPLES of Westbrook, RANKIN of Hiram, SHAW of Standish.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Raise the Fee a Bail Commissioner May Charge"
S.P. 77 L.D. 227

Presented by Senator GERZOFISKY of Cumberland. (BY REQUEST)

Cosponsored by Representative HASKELL of Portland and Senator: DAVIS of Cumberland, Representatives: BURNS of Whiting, MAGNAN of Stockton Springs, PLUMMER of Windham.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Calculate the School Year by Number of Hours"
(EMERGENCY)

S.P. 86 L.D. 245

Presented by Senator SULLIVAN of York.

Cosponsored by Representative SUTHERLAND of Chapman and Senators: ALFOND of Cumberland, DAMON of Hancock, NUTTING of Androscoggin, Representatives: CASAVANT of Biddeford, CONNOR of Kennebunk, SIROIS of Turner.

Bill "An Act To Preserve Statewide Public Broadcasting"
S.P. 89 L.D. 266

Presented by Senator RAYE of Washington.

Cosponsored by Speaker PINGREE of North Haven and Senators: BRYANT of Oxford, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, JACKSON of Aroostook, President MITCHELL of Kennebec, NUTTING of Androscoggin, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis, Representatives: AYOTTE of Caswell, BICKFORD of Auburn, BURNS of Whiting, CLEARY of Houlton, CURTIS of Madison, DAVIS of Sangerville, DRISCOLL of Westbrook, EDGECOMB of Caribou, GIFFORD of Lincoln, GILES of Belfast, MARTIN of Eagle Lake, McFADDEN of Dennysville, MILLER of Somerville, MILLETT of Waterford, PERCY of Phippsburg, PERRY of Calais, SAVIELLO of Wilton, SOCTOMAH of the Passamaquoddy Tribe, SUTHERLAND of Chapman, TILTON of Harrington, WAGNER of Lewiston, WHEELER of Kittery.

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Prevent Teenage Substance Abuse and Suicide"
S.P. 78 L.D. 228

Presented by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative PERRY of Calais.

Bill "An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund" (EMERGENCY)
S.P. 80 L.D. 239

Presented by Senator MILLS of Somerset.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Protection of Funding of Certain Programs Administered by the Department of Inland Fisheries and Wildlife
S.P. 75 L.D. 225

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Representative WATSON of Bath and Senators: BRYANT of Oxford, JACKSON of Aroostook, Representatives: CLARK of Millinocket, DAVIS of Sangerville, HANLEY of Gardiner, ROBINSON of Raymond, SAVIELLO of Wilton, WHEELER of Kittery.

Bill "An Act To Create an Additional Hunting Season for Bear"
S.P. 82 L.D. 241

Presented by Senator JACKSON of Aroostook.

Cosponsored by Representatives: CLARK of Millinocket, DAVIS of Sangerville, SAVIELLO of Wilton, WHEELER of Kittery.

Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife (EMERGENCY)

S.P. 85 L.D. 244

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Representative WATSON of Bath and Senators: BRYANT of Oxford, DIAMOND of Cumberland, JACKSON of Aroostook, Representatives: CLARK of Millinocket, DAVIS of Sangerville, HANLEY of Gardiner, SAVIELLO of Wilton, WHEELER of Kittery.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Require Maine Clean Election Act Candidates To Use Maine Vendors"
S.P. 69 L.D. 219

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Representative TUTTLE of Sanford and Senators: RAYE of Washington, SULLIVAN of York.

Bill "An Act To Require a Vacancy in the Office of United States Senator To Be Filled by Election"

S.P. 76 L.D. 226

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative TARDY of Newport and
Senators: COURTNEY of York, RAYE of Washington,
Representatives: BEAUDETTE of Biddeford, CONNOR of
Kennebunk, COTTA of China.

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

Sent down for concurrence.

Bill "An Act Regarding Violations of Lobster Conservation Laws"
S.P. 87 L.D. 246

Presented by Senator RECTOR of Knox.
Cosponsored by Representative PRESCOTT of Topsham and
Senator: DAMON of Hancock, Representatives: EATON of
Sullivan, PERCY of Phippsburg, Speaker PINGREE of North
Haven, TILTON of Harrington.
Submitted by the Department of Marine Resources pursuant to
Joint Rule 204.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the
Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Promote Clean Waters in the State"
S.P. 79 L.D. 229

Presented by Senator NUTTING of Androscoggin.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to
the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Repeal the Informed Growth Act"
S.P. 83 L.D. 242

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative MILLETT of Waterford and
Senators: COURTNEY of York, DIAMOND of Cumberland,
McCORMICK of Kennebec, RAYE of Washington, SMITH of
Piscataquis, Representatives: CROCKETT of Augusta, HAMPER
of Oxford, TARDY of Newport.

On motion by Senator **SIMPSON** of Androscoggin, **REFERRED**
to the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed.

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Exempt Certain Senior Residents from the Income
Tax"

S.P. 74 L.D. 224

Presented by Senator BOWMAN of York.
Cosponsored by Representative WHEELER of Kittery.

Bill "An Act To Provide a Sales Tax Exemption to Certain
Organizations That Provide Assistance to Members of the
Military" (EMERGENCY)

S.P. 88 L.D. 265

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative CORNELL du HOUX of
Brunswick and Senators: BOWMAN of York, DIAMOND of
Cumberland, MARRACHÉ of Kennebec, Representatives:
AYOTTE of Caswell, DUCHESNE of Hudson, WEBSTER of
Freeport.

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the
Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Modify the Laws Regarding Seat Belts"
S.P. 71 L.D. 221

Presented by Senator SULLIVAN of York.
Cosponsored by Representative CONNOR of Kennebunk and
Senators: BARTLETT of Cumberland, DAMON of Hancock,
DIAMOND of Cumberland, PERRY of Penobscot,
Representatives: BEAUDOIN of Biddeford, CASAVANT of
Biddeford, LEGG of Kennebunk.

Bill "An Act To Extend the Exception to Axle Fines during the
Midwinter Season" (EMERGENCY)

S.P. 81 L.D. 240

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and
Representatives: THERIAULT of Madawaska, THOMAS of
Ripley.

Resolve, To Direct the Department of Transportation To Establish a Memorial Park Honoring Veterans in Topsham
S.P. 84 L.D. 243

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative PRESCOTT of Topsham and Senators: BOWMAN of York, DIAMOND of Cumberland, GERZOFISKY of Cumberland, MARRACHÉ of Kennebec, Representatives: AUSTIN of Gray, CORNELL du HOUX of Brunswick, KENT of Woolwich, WEBSTER of Freeport.

On motion by Senator DAMON of Hancock, REFERRED to the Committee on TRANSPORTATION and ordered printed.

Sent down for concurrence.

Bill "An Act To Increase the Availability of Solar and Wind Power"
S.P. 70 L.D. 220

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Representative BERRY of Bowdoinham and Senators: BOWMAN of York, GOODALL of Sagadahoc, HOBBSINS of York, MILLS of Somerset, President MITCHELL of Kennebec, Representatives: FLAHERTY of Scarborough, HINCK of Portland, Speaker PINGREE of North Haven.

On motion by Senator HOBBSINS of York, REFERRED to the Committee on UTILITIES AND ENERGY and ordered printed.

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.

ORDERS

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 (1/21/09) Assigned matter:

Bill "An Act To Facilitate Wind Power Siting"
H.P. 164 L.D. 199

Tabled - January 21, 2009, by Senator HOBBSINS of York

Pending - REFERENCE

(In House, January 21, 2009, REFERRED to the Committee on UTILITIES AND ENERGY and ordered printed.)

On motion by Senator HOBBSINS of York, REFERRED to the Committee on UTILITIES AND ENERGY and ordered printed, in concurrence.

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

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

Senator RAYE of Washington was granted unanimous consent to address the Senate off the Record.

Senator MILLS of Somerset was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BARTLETT of Cumberland, 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

House Paper

Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses (EMERGENCY)

H.P. 193 L.D. 247

Comes from the House, REFERRED to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue for the Purchase and Protection of Traditional Hunting Grounds" (EMERGENCY)

H.P. 184 L.D. 230

Bill "An Act To Appropriate Funds To Equip State Trooper Cars with Cages"

H.P. 212 L.D. 269

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions"

H.P. 186 L.D. 232

Bill "An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means"

H.P. 213 L.D. 270

Bill "An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts" (EMERGENCY)

H.P. 214 L.D. 271

Bill "An Act To License Home Building and Improvement Contractors"

H.P. 215 L.D. 272

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Bail Defaults and the Extradition Account" H.P. 195 L.D. 249

Bill "An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana"

H.P. 196 L.D. 250

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Chancellor of the University of Maine System and the President of the Maine Community College System To Develop Recommendations To Address the Professional Needs of State Employees

H.P. 185 L.D. 231

Bill "An Act To Transfer Authority for School Food Service Programs to the Department of Agriculture, Food and Rural Resources"

H.P. 194 L.D. 248

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

H.P. 187 L.D. 233

Bill "An Act To Enact a 5-point Welfare Reform Program"

H.P. 200 L.D. 254

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Repeal the Requirement That Alien Big Game Hunters Be Accompanied by Guides Licensed by the State"

H.P. 199 L.D. 253

Resolve, Directing the Department of Inland Fisheries and Wildlife To Recommend Measures To Increase the Number of Turkeys Taken by Hunters

H.P. 202 L.D. 256

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Expand Access to Oral Health Care"

H.P. 188 L.D. 234

Bill "An Act To Allow Persons Licensed for the Practice of Manicuring To Provide Treatment for Diabetics"

H.P. 201 L.D. 255

Bill "An Act To Establish the Health Technology Clinical Committee"

H.P. 203 L.D. 257

Bill "An Act To Require That Insurance Contracts Include a Plain Language Summary"

H.P. 217 L.D. 274

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Modify the Citizen Initiative Process"

H.P. 189 L.D. 235

Bill "An Act Regarding Political Signs"

H.P. 204 L.D. 258

Bill "An Act To Amend the Maine Clean Election Act"

H.P. 205 L.D. 259

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide Access to Regional Greenhouse Gas Initiative Auction Funds to Maine Indian Tribes"

H.P. 206 L.D. 260

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

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish the Permanent Commission on the Status of Women"

H.P. 190 L.D. 236

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SIMPSON** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Impose an Excise Tax on the Extraction of Water for Bottling"

H.P. 191 L.D. 237

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase Safety in Construction Zones"

H.P. 207 L.D. 261

Resolve, Directing the Department of Transportation To Install a Flashing Light in Charleston

H.P. 208 L.D. 262

Bill "An Act To Provide Placards to Drivers Who for Medical Reasons Are Not Required To Wear Seat Belts"

H.P. 209 L.D. 263

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Consumer-owned Water Utilities and Contracts for Water Extraction and for the Sale of Water"

H.P. 192 L.D. 238

Bill "An Act To Amend the Surcharge for the E-9-1-1 System" (EMERGENCY)

H.P. 210 L.D. 264

Bill "An Act To Amend the Charter of the Limestone Water and Sewer District"

H.P. 218 L.D. 275

Come from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 211 L.D. 268

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding the Transfer of Nursing Facilities"
H.P. 198 L.D. 252

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water"
H.P. 147 L.D. 182

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009" (EMERGENCY)

H.P. 40 L.D. 45

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-2)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-2)**.

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

READ ONCE.

Committee Amendment "A" (H-2) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent forthwith to the Engrossing Division.

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **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:

ENACTORS

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

Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009

H.P. 40 L.D. 45
(C "A" H-2)

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

Senator **DIAMOND:** Thank you, Madame President. Men and women of the Senate, this state, like many other states, is facing many difficult budgetary decisions. We face tough times and the challenges are significant. The current shortfall of our existing budget is a little over \$166 million. As you know, it was the job of the Appropriations Committee to find a way to close that rather substantial budget hole. We were committed to doing that without raising taxes, without raising fees, and without making further cuts in education and in Medicaid beyond the curtailments. To add just a little challenge to the mix, we had to get this budget out of our committee in three weeks.

Let me pause here and say that without the hard work of the policy committees, and that is all of you, this budget would not have been possible. Your expertise and commitment were vital to our cast. In fact, the Appropriations Committee accepted 99.8% of the policy committee recommendations. I'm also very proud of our committee for working hard in such a bipartisan manner. Both Democrats and Republicans, both sides of the aisle, listened with respect to each other and came to solutions together. The result of that is that we had a unanimous vote out of our committee. A special thank you to the Senator from Androscoggin, Senator Craven; my co-chair, Representative Cain; and the two Republican leaders on our committee, the Senator from Hancock, Senator Rosen, and Representative Millett. Their leadership was key to our creating a budget which reduces spending and still reflects the values of Maine's people. I'd also like to thank the elected leaders of both parties in both houses; thank them for leading.

Specifically, with this budget the State will spend less money in 2009 than we did in 2008. We will reduce the DHHS budget by \$34 million. We will eliminate the \$1 million plus cut to critical access hospitals. We will reduce the legislative budget by \$1.6 million. We will not be closing the Charleston Prerelease Facility this fiscal year. We have restored mental health funding. Overall, this budget process clearly demonstrates that both political parties can work together to solve the serious budgetary problems in our state. I thank Governor Baldacci for sending us a supplemental budget that was sound in structure and gave us achievable options. We have set a tone of listening and mutual respect which will be imperative as we start work on the upcoming biennial budget. Madame President, men and women of the Senate, I proudly ask for your support in voting on the motion before us.

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 Washington, Senator Raye.

Senator **RAYE:** Thank you very much, Madame President. Men and women of the Senate, I rise to thank the members of the Appropriations Committee; the Senators from Hancock, Senator Rosen, Cumberland, Senator Diamond, and Androscoggin, Senator Craven, and their counterparts in the other Body as well as the members of the policy committees who worked so hard to fine tune the proposals that went to the Appropriations Committee and to produce this supplemental budget. We, on this side of the aisle, have made it clear from the outset of this session our commitment to work in a bipartisan manner to solve problems and I am very pleased that in the first real test that approach has produced positive results.

While it is not perfect, and many of the decisions embodied in it are difficult ones, the supplemental budget is a responsible blueprint for being the state into the black for the remainder of this fiscal year while restoring critical funding for adult education and critical access hospitals and making an important commitment going forward to address the long standing debt to Maine's hospitals. The spirit of bipartisan cooperation that produced this budget which we are about to pass is an example of how government can work when we all roll up our sleeves and work together to produce the best product we can, even in the face of challenging economic times. That is what Maine people expect us to do and it's a productive spirit that I hope will carry through as we move our attention to the biennial budget in the coming weeks.

In closing, I want to extend again my thanks to all of the members in both bodies who have worked so hard cooperatively to bring us to this point and I'm proud to lend my support to the supplemental budget.

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

Senator **ROSEN:** Thank you, Madame President. Men and women of the Senate, I would like to offer my voice and concurrence to encourage all of you to support the proposal that is before us and join our good Senate chair and also member of the Republican leadership that spoke to encourage that support. We are here because we are responding to the need to fulfill our constitutional requirement to bring the current biennial budget back into balance. It is the second time that the legislature has had to confront returning the 2008 - 2009 budget and fulfill our constitutional requirement. It's a very different type of exercise and obligation than the one that we are about to embark into with the biennial proposal. I think that the document that is before you, and here for your support, is crafted in as surgical a manner as possible to be careful regarding the impacts that nearly every policy area in the state will be feeling. As stated earlier, we respected the committee work that was brought to us, particularly from the Criminal Justice Committee, Education, the Agriculture and Conservation Committee, and Health and Human Services. They zeroed in on difficult components of this budget and brought us productive solutions that improved on the structure of the original proposal as presented by the Chief Executive. I'm sure he would also be pleased.

I would again point out the very significant language in this proposal as it relates to fulfilling our obligation of meeting the medical settlement payments to our hospitals for the years 2005 and 2006. The ability to work with members of the Appropriations Committee and members of the Health and Human Services

Committee and recognize in this document, along with members of leadership from both chambers, the importance of including that language in this proposal which I think is a mature and effective way of addressing what is before us as an outstanding, and longstanding, obligation.

It was a pleasure working with our good Senate chair and the Senator from Androscoggin, Senator Craven, and the entire team on the committee. I think it's a productive effort, a good dry run for everyone, policy committees, appropriations, and leadership combined, and I think we are now ready to embark on the next challenge. I encourage your support.

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

Senator **BARTLETT:** Thank you, Madame President. I, too, rise in support of this supplemental budget and also wish to commend those who have worked so tirelessly to get us to this point. The good Senator from Cumberland, Senator Diamond, has provided extraordinary leadership in a very tight timeframe. The good Senator from Hancock, Senator Rosen, and the Senator from Androscoggin, Senator Craven, have worked tirelessly to bring people together and to work with the policy committees. In fact, every single person in this room, through their work on their policy committees, has offered constructive input to this budget and made sure we got to a place that while uncomfortable and difficult decisions were made, they were done with due consideration to the core values of Maine people, to make sure we were protecting the most vital services that the State provides, and also lay a good pathway for the weeks and months ahead. As we turn our attention to the biennial budget, we can learn a great deal from the decisions and compromises that were made during this process and use that as a springboard to lay out a biennial budget that can fulfill and similarly represent the core values of Maine people while sticking true to the commitment we've all made to reduce the budget and to deal with the fiscal crisis while making sound investments in Maine's future. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you, Madame President. I want to thank the Senate chair, the House chair, leadership, and our leads on Appropriations. This budget was negotiated carefully and I hope with sensitivity towards all of the cuts that we had to make in this difficult time. It was voted out unanimously. We had an unbelievable and wonderful team on the committee. I invite everybody to vote with the entire Appropriations Committee and with me in favor of this budget. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Enacted. 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 (#2)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: NASS, SMITH, TRAHAN

ABSENT: Senator: NUTTING

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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.

Senate at Ease.

Senate called to order by the President.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, January 29, 2009, at 10:00 in the morning.