

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
December 3, 2008 to June 12, 2009

Pages 1 - 1159

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

In Senate Chamber
Thursday
January 29, 2009

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

Prayer by Reverend Peter Jenks, Episcopal Church of St. John
Baptist of Thomaston.

REVEREND JENKS: Let us pray. Oh God, the fountain of
wisdom, whose will is good and gracious, whose law is truth, we
beseech thee so to guide and bless our Senators and congress
assembled, that they may enact such laws as shall please thee.
To the glory of thy name and the welfare of these people, Amen.

Reading of the Journal of Tuesday, January 27, 2009.

Doctor of the day, Dr. Timothy Goltz, MD of Damariscotta.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **BARTLETT** of Cumberland, the following
Joint Order:

S.P. 91

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, February 3, 2009, at 10:00 the
morning.

READ and PASSED.

Sent down for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Ensure the Integrity of Harness Horse Racing
Track Conditions"

S.P. 56 L.D. 170

Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** suggested and ordered printed.

In Senate, January 21, 2009, **REFERRED** to the Committee on
LEGAL AND VETERANS AFFAIRS.

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

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

Non-Concurrent Matter

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

In Senate, January 27, 2009, **REFERRED** to the Committee on
LEGAL AND VETERANS AFFAIRS and ordered printed.

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

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

Non-Concurrent Matter

JOINT ORDER - Authorizing the Joint Standing Committee on
Transportation To Report out a Bill Concerning the Sears Island
Planning Initiative

S.P. 21

In Senate, January 7, 2009, on motion by Senator **DAMON** of
Hancock, **READ** and **PASSED.**

Comes from the House, **READ** and **INDEFINITELY
POSTPONED**, in **NON-CONCURRENCE.**

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

House Papers

Bill "An Act To Protect the Safety of Maine Children by Requiring
the Express Consent of a Legal Guardian To Dispense
Prescription Medication to a Minor"

H.P. 197 L.D. 251

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

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

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Require a Regional Review of Projects That Affect Areas Outside of the Community in Which the Project Is Proposed"

H.P. 216 L.D. 273

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 26

**124th LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

January 21, 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 20-A, MRSA, Chapter 7, Section 603, I am pleased to appoint Senator Justin Alfond of Cumberland to the Education Commission of the States. He will be replacing Senator Elizabeth Mitchell of Kennebec.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 27

**124th LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

January 21, 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 22 MRSA §5107-J, I am pleased to reappoint Senator Joseph Brannigan of Cumberland to the Long Term Care Oversight Committee. He will be representing a member of the Senate from the Joint Standing Committee on Health and Human Services and serving as Chair.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 28

**UNIVERSITY OF SOUTHERN MAINE
CENTER FOR EDUCATION POLICY, APPLIED RESEARCH &
EVALUATION
37 COLLEGE AVENUE, GORHAM ME 04038**

January 22, 2009

President Elizabeth Mitchell
The Maine Senate
3 State House Station
Augusta, ME 04333

Dear President Mitchell,

The Maine State Legislature requested the Maine Education Policy Research Institute, University of Southern Maine Office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled The Condition of K-12 Public Education in Maine 2009.

We would like to provide you and your staff with copies of the book for use in your daily deliberations. We hope you will find the information broad yet focused on the many aspects of K-12 public Education.

Sincerely,

S/David L. Silvernail
Director

S/Sharon Gerrish
Project Assistant

READ and with accompanying papers **ORDERED PLACED ON FILE**.

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 3, 2009, at 10:00 in the morning.

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

COMMUNICATIONS

The Following Communication: S.P. 92

**STATE OF MAINE
124TH MAINE LEGISLATURE**

January 28, 2009

Sen. Deborah L. Simpson
Senate Chair, Joint Standing Committee on State and Local Government
Rep. Stephen R. Beaudette
House Chair, Joint Standing Committee on State and Local Government
124th Legislature
Augusta, ME 04333

Dear Senator Simpson and Representative Beaudette:

Please be advised that Governor John E. Baldacci has nominated Christopher E. Howard of Standish for reappointment to the Governmental Facilities Authority.

Pursuant to Title 4 M.R.S.A. §1602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.