

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

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

In Senate Chamber
Tuesday
February 3, 2009

Senate called to order by President Pro Tem Philip L. Bartlett, II
of Cumberland County.

Prayer by Pastor Stephen Tracey, Lakeview Orthodox
Presbyterian Church in West Rockport.

PASTOR TRACEY: Thank you for the privilege of being here. First a parable from Jesus. A sower went out to sow and as he sowed some seeds fell upon the path and the birds came and devoured them. Other seeds fell on rocky ground where they did not have much soil and immediately they sprung up since they had no depth of soil. When the sun rose they were scorched and since they had no root they withered away. Other seeds fell among thorns and the thorns grew up and choked them. Other seeds fell on good soil and produced grain, some a hundredfold, some sixty, some thirty. Jesus explains the parable; when anyone hears the word of the Kingdom and does not understand it, the evil one comes and snatches away what was sown in his heart. This is what was sown on the path. As for what was sown on rocky ground, this is the one who hears the word and immediately receives it with joy, yet he has no root in himself, but endures for a while, and when tribulation or persecution arises on account of the word, immediately he falls away. As for what was sown among thorns, this is the one who hears the word but the cares of the world and the deceitfulness of riches choke the word and it proves unfruitful. As for what was sown on good soil, this is the one who hears the word and understands it. He indeed bears fruit and yields, in one case a hundredfold, in another sixty, and in another thirty.

Let us pray. Oh God, our Father, Lord of all creation, the king of kings and the lord of lords, grant us grace to hear Your son. Our heart is often as hard as the trampled path and we do not hear. Our heart is often shallow, full of obstacles, so that nothing takes root and flourishes in our heart. Our heart is often choked by the thorns of cares and riches. We pray for grace to hear Your word, to understand it, and to bear the fruit of it in our lives.

We pray for the members of the Senate as they come to their work this day. Grant wisdom to each one, that they may engage their mind and heart to do the work entrusted to them. We pray this day for our President Mitchell, following a death in her family, that You will grant comfort and help to them in this time of sorrow. We pray for the Senators and all the stresses and strains of their work, the responsibility of public office, exposure to criticism, and the review of their own conscience. How easy it is for us to be swept along with the crowd, to simply be conformed to this present age. We pray for that transformation by the renewal of the mind, that we may discern what is the will of God, what is good and acceptable and perfect, that we may discern the way life should be. We pray for President Obama. As others have prayed for him, so do we, that he may stir this great nation to

greater things, to do justice, to love mercy, and to walk humbly with God.

Oh God, we live in hard times. People are losing their jobs, their financial security, and their life savings. Grant us grace to help the needy and the weak and yet teach us not to put our ultimate hope in money, or government, or people, but in You. We pray these things in the name of Jesus Christ, God the Son, whom to know is life eternal. Amen.

Pledge of Allegiance led by Senator Christopher Rector of Knox County.

Reading of the Journal of Thursday, January 29, 2009.

Doctor of the day, Dr. Barbara Moss, DO of Manchester.

Off Record Remarks

The Chair noted the absence of the Senator from Hancock, Senator **DAMON** and further excused the same Senator from today's Roll Call votes.

COMMUNICATIONS

The Following Communication: S.C. 31

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

February 2, 2009

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

Dear Secretary O'Brien:

Please be advised that due to a death in the family, I will be unable to attend the legislative session on Tuesday, February 3, 2009. I have appointed the Senator from Cumberland, Senator Bartlett to serve as President Pro Tem in my absence.

Please let me know if you have any questions.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 30

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

January 29, 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 7, MRSA, Chapter 5, Section 125, I am pleased to appoint Senator John Nutting of Androscoggin to the Board of Agriculture, representing a Senator serving on the Agriculture, Conservation and Forestry Committee. He will be replacing Representative Peggy Rotundo of Lewiston.

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. 32

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

February 2, 2009

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0002

Dear Secretary O'Brien:

Pursuant to my authority under House Rule 201.1 (I), I have temporarily appointed Representative David C. Burns of Whiting as ranking member of the Government Oversight Committee for

the duration of the absence of Representative Everett W. McLeod of Lee.

Also pursuant to my authority under House Rule 201.1 (I), I have temporarily appointed Representative Philip A. Curtis of Madison as a member of the Government Oversight Committee.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 29

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
INTEGRATED ACCESS AND SUPPORT SERVICES
268 WHITTEN ROAD
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0011**

January 23, 2009

Hon. Joy J. O'Brien
Secretary of the Senate
3 State House Station, Room 327
Augusta, Maine 04333-0003

Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station, Room 300
Augusta, Maine 04333-0002

Re: Child Support Enforcement License Revocation Report:
January 1, 2007 through December 31st, 2008

Dear Secretary O'Brien and Clerk MacFarland,

In accordance with 19-A MRSA §2201(15) and §2202(12) the Department of Health and Human Services, Office of Integrated Access and Support, Division of Support Enforcement and Recovery (DSER) is responsible for reporting biennially to the Legislature and the Governor regarding the license revocation process. In 1993, the elements of the Report were formulated at the Legislative Session prior to the actual implementation of the process. Unfortunately, the information required by statute does not reflect how the law is applied today. The following License Revocation Report best reflects the actual process, and gives an accurate portrayal of how DSER uses this law, and the periodic results. Also attached hereto is a national study completed by the Office of the Inspector General regarding the effectiveness of several States' license revocation laws.

For Professional and Recreational Licenses:

Requirement #1:

The following is a Report of the number of support obligors identified as holding licenses subject to this section. DSER must precede all enforcement actions by sending a Notice of Debt to all non-custodial parents. The Notice of Debt confirms the amount of support ordered and unpaid balances owed; and it lists the various types of enforcement remedies available to DSER to compel compliance with child support collections. For the reporting period ending December 31, 2008, DSER had an obligated caseload of 60,266. All of these cases become immediately eligible for license revocation if all steps have been unsuccessful to collect support, and there have been no payments in the last 60 days. DSER does not identify individual licenses that are held, but rather contacts all licensing agencies within Maine asking that all licenses held by non-paying non-custodial parents be suspended.

Requirement #2:

The following is a Report of the number of support obligors identified by the Department who are not in compliance with an order for support. During this reporting period, DSER suspended 16,305 professional business and recreational licenses of individuals who were not in compliance with their orders for support. Each case is reviewed individually to make certain it meets the requirements for suspension as provided by statute.

Requirement #3:

The following is a Report of the number of enforcement actions taken by the Department and the results of those enforcement actions. DSER records show 16,305 professional business and recreational licenses were suspended by licensing agencies in Maine. At the request of DSER 10,251 licenses were reinstated as a result of payment agreements entered into by non-custodial parents. It is important to note that future noncompliance with a payment agreement may result in immediate suspension of all licenses held by the nonpaying obligor.

For Drivers Licenses:

Requirement #1:

The following is a Report of the number of notices served upon obligors by the Department. DSER issued in excess of 12,214 Notices of Debt during this reporting period. This number combined with DSER's obligated caseload is now the eligible caseload for drivers' licenses suspension. More than 7,751 drivers' licenses were suspended as a result of actions by DSER during this reporting period.

Requirement #2:

The following is a Report of the number of obligors served notice under this section who requested a hearing. DSER and the Office of the Administrative Hearings do not track the specific type of hearing request received from non-custodial parents. A poll of regional staff handling these hearings estimate less than 100 hearings were scheduled statewide to address this issue.

Requirement #3:

The following is a Report of the number of hearings held under this section, the results of the hearings, and the number of cases settled without the need for a hearing. DSER estimates that 50 of the scheduled hearings were settled prior to or during the administrative hearing, and the majority of the remainder were abandoned by the non-custodial parents. Several obligors were able to demonstrate circumstances that would warrant reinstatement of suspended licenses. Additionally, 4,907 suspension proceedings were settled shortly after certification, and statements of compliance were issued to the Bureau of Motor Vehicles as a direct result of payment agreements obtained by DSER.

Requirement #4:

The following is a Report of the number of support obligations certified to the Secretary of State for noncompliance with an order for support. 7751 obligors were certified to the Secretary of State from January 1, 2007 through December 31, 2008 for noncompliance with an order for support.

Requirement #5:

The following is a Report of the costs incurred in the implementation and enforcement of this section and the Department's actions. DSER estimates direct costs under this section to be less than \$100,000 from January 1, 2007 through December 31, 2008.

Thank you for the opportunity to report on this valuable child support enforcement remedy. Our hope is to work together to develop the most informative Report that illustrates the effectiveness of the license revocation process to the child support program.

Sincerely,

S/ Stephen L. Hussey
Director
Division of Support Enforcement and Recovery

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Regarding the Regulation of Agricultural Composting Operations"

S.P. 115 L.D. 351

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative GIFFORD of Lincoln and Senator: SHERMAN of Aroostook, Representatives: CRAY of Palmyra, SMITH of Monmouth.

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

Sent down for concurrence.

Bill "An Act To Require Review by the Joint Standing Committee on Appropriations and Financial Affairs of Transfers of MaineCare Funds" (EMERGENCY)

S.P. 98 L.D. 302

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Representative HANLEY of Gardiner and Senators: DAVIS of Cumberland, ROSEN of Hancock, SMITH of Piscataquis, Representatives: DAVIS of Sangerville, McKANE of Newcastle, MILLETT of Waterford, NUTTING of Oakland, SAVIELLO of Wilton.

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 Improve Elevator Safety"

S.P. 110 L.D. 346

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Senator: RECTOR of Knox, Representatives: CLEARY of Houlton, MacDONALD of Boothbay, PRESCOTT of Topsham.

Bill "An Act To Reduce Regulatory Costs for Maine Businesses"
S.P. 111 L.D. 347

Presented by Senator SMITH of Piscataquis.
Cosponsored by Senators: HASTINGS of Oxford, RECTOR of Knox, Representative: CLARK of Millinocket.

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

Sent down for concurrence.

Bill "An Act To Encourage Veterinary Practice in Maine"
S.P. 116 L.D. 352

Presented by President MITCHELL of Kennebec.
Cosponsored by Representatives: CLEARY of Houlton, HUNT of Buxton, PIEH of Bremen.

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 Amend the Department of Health and Human Services' Progressive Treatment Program"
S.P. 105 L.D. 341

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senators: MARRACHÉ of Kennebec, RAYE of Washington, Representatives: LEWIN of Eliot, PERRY of Calais.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season"
S.P. 99 L.D. 303

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Representative HANLEY of Gardiner and Senator: BRYANT of Oxford, Representatives: CONNOR of Kennebunk, DAVIS of Sangerville, SAVIELLO of Wilton, TARDY of Newport, TUTTLE of Sanford, WATSON of Bath, WHEELER of Kittery.

Bill "An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age"
S.P. 104 L.D. 340

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and Senator: BRYANT of Oxford, Representatives: CLARK of Millinocket, SAVIELLO of Wilton, WHEELER of Kittery.

Bill "An Act To Allow Smelting on Certain Brooks on Long Lake in Aroostook County"
S.P. 108 L.D. 344

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska.

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 Increase Child Support Collection by Expanding the New Hire Reporting Requirements"

S.P. 96 L.D. 300

Presented by Senator SIMPSON of Androscoggin.
Cosponsored by Representative BRYANT of Windham and
Senators: ALFOND of Cumberland, BLISS of Cumberland,
HOBBINS of York, SULLIVAN of York, Representatives: CAREY
of Lewiston, PRIEST of Brunswick.

Bill "An Act To Require Home Sellers To Disclose Energy Usage Data"

S.P. 97 L.D. 301

Presented by Senator SIMPSON of Androscoggin.
Cosponsored by Representative BRYANT of Windham and
Senators: ALFOND of Cumberland, BARTLETT of Cumberland,
Representatives: DUCHESNE of Hudson, HINCK of Portland.

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

Sent down for concurrence.

Bill "An Act Regarding Emergency Involuntary Admission of a
Participant in the Department of Health and Human Services'
Progressive Treatment Program to a State Mental Institute"

S.P. 101 L.D. 337

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senators: MARRACHÉ of Kennebec, RAYE of
Washington, Representatives: LEWIN of Eliot, PERRY of Calais.

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

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the
Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Promote Ethics in Campaign Fund Solicitation"

S.P. 103 L.D. 339

Presented by Senator BLISS of Cumberland.
Cosponsored by Senator: BARTLETT of Cumberland,
Representatives: CLEARY of Houlton, MORRISON of South
Portland, PRIEST of Brunswick, SHAW of Standish.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine Regarding Early Voting

S.P. 114 L.D. 350

Presented by President MITCHELL of Kennebec.
Cosponsored by Speaker PINGREE of North Haven and
Senators: MARRACHÉ of Kennebec, SULLIVAN of York,
Representatives: BEAUDETTE of Biddeford, BEAULIEU of
Auburn, BERRY of Bowdoinham, TARDY of Newport,
TRINWARD of Waterville, VALENTINO of Saco.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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 To Bring Equity to the Sea Urchin License Fees"

S.P. 95 L.D. 278

Presented by Senator TRAHAN of Lincoln.

Bill "An Act To Regulate the Rockweed Harvest in Cobscook Bay"

S.P. 109 L.D. 345

Presented by Senator RAYE of Washington.
Cosponsored by Representative McFADDEN of Dennysville and
Representatives: BURNS of Whiting, PERRY of Calais,
SOCTOMAH of the Passamaquoddy Tribe, TILTON of
Harrington.

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

Sent down for concurrence.

Bill "An Act To Facilitate the Removal of Dams That Pose a
Hazard to Public Safety and the Installation and Repair of
Fishways"

S.P. 112 L.D. 348

Presented by Senator DAMON of Hancock.

Committee on **NATURAL RESOURCES** suggested and ordered
printed.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until
Later in Today's Session, pending **REFERENCE**.

Resolve, To Establish a Commission To Support, Preserve and Maintain Maine Monuments in Gettysburg, Pennsylvania
S.P. 100 L.D. 304

Presented by Senator DAVIS of Cumberland.
Cosponsored by Senators: MILLS of Somerset, SHERMAN of Aroostook, TRAHAN of Lincoln, Representatives: ADAMS of Portland, CEBRA of Naples, ROBINSON of Raymond, SAVIELLO of Wilton, WHEELER of Kittery.

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

Sent down for concurrence.

Bill "An Act To Eliminate the Income-producing Requirement for Land in the Farm and Open Space Tax Program"
S.P. 94 L.D. 277

Presented by Senator GOOLEY of Franklin.
Cosponsored by Representative THOMAS of Ripley and Senators: JACKSON of Aroostook, MILLS of Somerset, PERRY of Penobscot, SHERMAN of Aroostook, Representatives: BROWNE of Vassalboro, CLARK of Millinocket, FLETCHER of Winslow, MAZUREK of Rockland.

Bill "An Act To Exempt Annuities from Taxation"
S.P. 106 L.D. 342

Presented by Senator NASS of York.
Cosponsored by Senators: COURTNEY of York, ROSEN of Hancock.

Bill "An Act To Authorize Arbitration of Property Tax Valuation Disputes"
S.P. 113 L.D. 349

Presented by Senator SMITH of Piscataquis.
Cosponsored by Representative CAIN of Orono and Senators: DIAMOND of Cumberland, HASTINGS of Oxford, Representative: KNIGHT of Livermore Falls.

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

Sent down for concurrence.

Bill "An Act To Improve the Visibility of Automobiles"
S.P. 102 L.D. 338

Presented by Senator BLISS of Cumberland.
Cosponsored by Senators: CRAVEN of Androscoggin, JACKSON of Aroostook, Representatives: MORRISON of South Portland, SHAW of Standish.

Bill "An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs"
S.P. 107 L.D. 343

Presented by Senator PERRY of Penobscot.
Cosponsored by Representative PILON of Saco.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund" (EMERGENCY)
S.P. 93 L.D. 276

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Representative MARTIN of Eagle Lake and Senator: GOODALL of Sagadahoc, Representatives: ADAMS of Portland, EBERLE of South Portland, FLETCHER of Winslow, HAMPER of Oxford, HINCK of Portland, SAVIELLO of Wilton, VAN WIE of New Gloucester.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

On motion by Senator **HOBBS** 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.

Off Record Remarks

Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **NASS** of York was granted unanimous consent to address the Senate off the Record.

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **COURTNEY** of York was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by
President Pro Tem **PHILIP L. BARTLETT, II**
of Cumberland County.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create a Large Game Shooting Area in Piscataquis County"
H.P. 252 L.D. 316

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

On motion by Senator **NUTTING** of Androscoggin, **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 Repairs to Traditional Meetinghouses"
H.P. 220 L.D. 280

Bill "An Act To Renovate and Expand the Boat Launch on Long Lake in St. Agatha"
H.P. 241 L.D. 305

Bill "An Act To Facilitate Repairs to the Saco River Retaining Wall"
H.P. 253 L.D. 317

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 Amend the Licensing Requirements for Speech-language Pathology Assistants" (EMERGENCY)
H.P. 221 L.D. 281

Bill "An Act To Amend the Laws Governing Payment for Prearranged Funeral Services"
H.P. 243 L.D. 307

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

On motion by Senator **SCHNEIDER** of Penobscot, **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 the Requirement That the Treatment of a Gunshot Wound Be Reported"
H.P. 222 L.D. 282

Resolve, Regarding the Cost of Telephone Calls Made by Incarcerated Persons
H.P. 223 L.D. 283

Bill "An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time"
H.P. 224 L.D. 284

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

On motion by Senator **NUTTING** of Androscoggin, **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

Bill "An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for 2 Years"
H.P. 225 L.D. 285

Bill "An Act Regarding Rockport College" (EMERGENCY)
H.P. 254 L.D. 318

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

On motion by Senator **ALFOND** 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

Resolve, Directing the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources To Develop a Plan To Facilitate the Procurement of Local Produce by Food Stamp Recipients
H.P. 251 L.D. 315

Bill "An Act To Track the Prevalence of Childhood Obesity in Maine"
H.P. 255 L.D. 319

Resolve, Regarding the Use of MaineCare for Catastrophic Illness
H.P. 256 L.D. 320

Bill "An Act To Impose a State Residency Requirement for Eligibility for General Assistance"
H.P. 257 L.D. 321

Bill "An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events"
H.P. 258 L.D. 322

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 Encourage Young Hunters by Providing Them with Complimentary Licenses and Permits"
H.P. 226 L.D. 286

Bill "An Act To Survey Anglers Annually"
H.P. 227 L.D. 287

Bill "An Act To Expand Super Pack License Opportunities"
H.P. 228 L.D. 288

Bill "An Act To Require Boating Safety Education"
H.P. 229 L.D. 289

Bill "An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles"
H.P. 244 L.D. 308

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 Allow Maine Residents To Purchase Health Insurance from Out-of-state Insurers"
H.P. 230 L.D. 290

Bill "An Act To Improve Transparency in the Health Insurance Markets"
H.P. 259 L.D. 323

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 Exempt Breast-feeding Mothers from Jury Duty"
H.P. 231 L.D. 291

Bill "An Act To Allow Limited Information Sharing in Domestic
Violence Cases"
H.P. 260 L.D. 324

Bill "An Act To Allow the Request for and Granting of Permanent
Protection from Abuse Orders"
H.P. 262 L.D. 326

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

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the
Committee on **JUDICIARY** 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 Restore Equity to the Maine Public Employees
Retirement System"
H.P. 232 L.D. 292

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to
the Committee on **LABOR** 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 Provide Project Support for Veterans' Cemeteries"
H.P. 233 L.D. 293

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses
Incurred in Connection with His Termination and Reinstatement
as a State Employee"
H.P. 242 L.D. 306

Bill "An Act Regarding Grassroots Lobbying"
H.P. 246 L.D. 310

Bill "An Act Concerning Late Rent Fee Charges in Residential
Tenancies"
H.P. 247 L.D. 311

Bill "An Act To Require Campaign Finance Reports of
Independent Expenditures To Contain a Copy of an
Advertisement"
H.P. 248 L.D. 312

Bill "An Act To Require Economic Research Organizations To
Report Financial Matters to the Commission on Governmental
Ethics and Election Practices"
H.P. 264 L.D. 328

Bill "An Act To Increase the Prize Limit on Beano"
H.P. 265 L.D. 329

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 Require the Department of Marine Resources To
Enforce Conditions in an Aquaculture Lease"
H.P. 234 L.D. 294

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committee on **MARINE 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 Change the Classification of Certain Waters of the
State"
H.P. 266 L.D. 330

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 Papers

Bill "An Act To Contract Out the State Single Audit"
H.P. 235 L.D. 295

Bill "An Act To Strengthen Maine Small Business by Establishing a Preference Percentage for State Contract Bids"
H.P. 263 L.D. 327

Bill "An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors"
H.P. 267 L.D. 331

Come 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 Papers

Bill "An Act To Add a Fuel Oil Benefit to the Circuitbreaker Program"
H.P. 249 L.D. 313

Bill "An Act To Amend the Penalty for Withdrawal of Land from the Maine Tree Growth Tax Law Program"
H.P. 268 L.D. 332

Come 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

Resolve, To Name the Gorham Bypass
H.P. 236 L.D. 296

Bill "An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner"
H.P. 237 L.D. 297

Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)
H.P. 269 L.D. 333

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

On motion by Senator **PERRY** of Penobscot, **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

Resolve, Directing the Public Utilities Commission To Study the Feasibility of the Merger of Certain Utilities
H.P. 250 L.D. 314

Bill "An Act To Clarify the So-called Dig Safe Law"
H.P. 270 L.D. 334

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 Public Safety**

The **Department of Public Safety**, 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 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal (EMERGENCY)

H.P. 239 L.D. 299

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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

**Pursuant to Statute
Energy and Carbon Savings Trust**

The **Energy and Carbon Savings Trust**, 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 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust (EMERGENCY)

H.P. 271 L.D. 335

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** 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 **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **UTILITIES AND ENERGY** 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

**Pursuant to Statute
Public Utilities Commission**

The **Public Utilities Commission**, 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 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 272 L.D. 336

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** 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 **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **MARRACHÉ** of Kennebec, **ADJOURNED**, until Thursday, February 5, 2009, at 10:00 in the morning, in memory of and lasting tribute to John David Harriman, Sr., of Frankfort and Cesar Siruno, M.D., of Caribou.