

# 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  
February 5, 2009

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

Prayer by Father Joseph Daniels, Prince of Peace Parish in  
Lewiston.

**FATHER DANIELS:** Good morning. At various critical junctures  
of the development of the faith and of history the Catholic Church  
has called an ecumenical council. I share with you this morning a  
prayer that was recited before each session of the Second  
Vatican Council which was held between 1962 and 1965. We  
hear in this prayer that the various cares and concerns of the  
church fathers are also the cares and concerns of every  
legislator.

We stand before You, oh God, conscience of our sinfulness  
but aware that we gather in Your name. Come to us, remain with  
us, and enlighten our hearts. Give us light and strength to know  
Your will, to make it our own, and to live it in our lives. Guide us  
by Your wisdom. Support us by Your power, for You are God.  
You desire justice for all. Enable us to uphold the rights of others.  
Do not allow us to be misled by ignorance or corrupted by fear or  
favor. Unite us to yourself in the bond of love and keep us faithful  
to all that is true. As we gather in Your name may be temper  
justice with love so that all our decisions may be pleasing to You  
and earn the reward promised to good and faithful servants. May  
the work which You have begun in us be brought to fulfillment.  
Amen.

Reading of the Journal of Tuesday, February 3, 2009.

Doctor of the day, Harold Friedman, MD.

Out of order and under suspension of the Rules, on motion by  
Senator **BARTLETT** of Cumberland, the following Joint Order:  
S.P. 117

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

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Amend the Laws Regarding Overnight Parking of  
Recreational Vehicles"

H.P. 98 L.D. 114

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

In House, January 13, 2009, **REFERRED** to the Committee on  
**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

In Senate, January 15, 2009, **REFERRED** to the Committee on  
**NATURAL RESOURCES**, in **NON-CONCURRENCE.**

Comes from the House, **REFERRED** to the Committee on  
**HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE.**

On motion by Senator **BRANNIGAN** of Cumberland, the Senate  
**RECEDED** and **CONCURRED.**

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**House Papers**

Resolve, To Direct the Emergency Medical Services' Board To  
Examine the Licensure Procedures for Emergency Medical  
Services Persons

H.P. 245 L.D. 309

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

Comes from the House, **REFERRED** to the Committee on  
**CRIMINAL JUSTICE AND PUBLIC SAFETY.**

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

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Bill "An Act To Authorize the Resentencing of Certain Prisoners  
Who Have Served Consecutive Sentences of 20 or More Years"  
H.P. 261 L.D. 325

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

Comes from the House, **REFERRED** to the Committee on  
**CRIMINAL JUSTICE AND PUBLIC SAFETY.**

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

Bill "An Act Regarding the Labeling of Wood Pellet and Biomass Heating Fuel Sold in the State"

H.P. 238 L.D. 298

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

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

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

Bill "An Act To Amend the Laws Governing the Fund for the Efficient Delivery of Local and Regional Services"

H.P. 219 L.D. 279

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

**Joint Orders**

The following Joint Order:

H.P. 240

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Natural Resources shall report out, to the House, a bill regarding outdoor wood boilers.

Comes from the House, **READ** and **PASSED**.

**READ.**

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.P. 143

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

February 4, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated Chief Justice Leigh Ingalls Saufley of Portland for reappointment to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 144

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

February 4, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated John Levy of Portland for reappointment as Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the  
Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 145

**STATE OF MAINE**  
**124<sup>TH</sup> MAINE LEGISLATURE**

February 4, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated  
E. Allen Hunter of Caribou for reappointment as Justice to the  
Maine Superior Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this  
nomination will require review by the Joint Standing Committee  
on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the  
Committee on **JUDICIARY**.

Sent down for concurrence.

---

The Following Communication: S.P. 146

**STATE OF MAINE**  
**124<sup>TH</sup> MAINE LEGISLATURE**

February 4, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated  
Joseph Jabar of Waterville for reappointment as Justice to the  
Maine Superior Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this  
nomination will require review by the Joint Standing Committee  
on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the  
Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 147

**STATE OF MAINE**  
**124<sup>TH</sup> MAINE LEGISLATURE**

February 4, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated  
John David Kennedy of North Yarmouth for reappointment as a  
Maine District Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require  
review by the Joint Standing Committee on Judiciary and  
confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the  
Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 148

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

February 4, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated  
John Beliveau of Lewiston for reappointment as a Maine District  
Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require  
review by the Joint Standing Committee on Judiciary and  
confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and with accompanying papers **REFERRED** to the  
Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.C. 35

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

January 29, 2009

The Honorable Elizabeth H. Mitchell  
President of the Senate of Maine  
124th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the 124th Maine Legislature, the Joint Standing Committee  
on Judiciary has had under consideration the nomination of Paul  
K. Vestal of Plymouth, for reappointment to the Maine Human  
Rights Commission.

After public hearing and discussion on this nomination, the  
Committee proceeded to vote on the motion to recommend to the  
Senate that this nomination be confirmed. The Committee Clerk  
called the roll with the following result:

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0

ABSENT 1 Rep. Cleary of Houlton

Rep. Mitchell of Penobscot Nation supports the Committee's  
recommendation.

Twelve members of the Committee having voted in the affirmative  
and none in the negative, it was the vote of the Committee that  
the nomination of Paul K. Vestal of Plymouth, for reappointment  
to the Maine Human Rights Commission be confirmed.

Signed,

S/Lawrence S. Bliss  
Senate Chair

S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **BARTLETT** of Cumberland, Nomination  
**TABLED** until Later in Today's Session, pending  
**CONSIDERATION.**

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The Following Communication: S.C. 36

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

January 29, 2009

The Honorable Elizabeth H. Mitchell  
President of the Senate of Maine  
124th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Kenneth W. Fredette of Newport, for appointment to the Maine Human Rights Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		1	Rep. Cleary of Houlton

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kenneth W. Fredette of Newport, for appointment to the Maine Human Rights Commission be confirmed.

Signed,

S/Lawrence S. Bliss  
Senate Chair

S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **BARTLETT** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 37

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

February 4, 2009

Honorable Elizabeth H. Mitchell, Senate President  
Honorable Hannah M. Pingree, Speaker of the House  
124<sup>th</sup> Maine Legislature  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor, Representative Schatz of Blue Hill, to report the following bill Leave to Withdraw.

LD 183, "Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds"

Sincerely,

S/Senator John M. Nutting  
Senate Chair

S/Representative Wendy Pieh  
House Chair

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

The Following Communication: S.C. 33

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 03, 2009

Honorable Elizabeth H. Mitchell, President of the Senate  
Honorable Hannah M. Pingree, Speaker of the House  
124th Legislature  
State House  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

**SENATE PAPERS**

L.D. 19 An Act To Amend the Laws Regarding Public Rest Rooms

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan  
Senate Chair

S/Rep. Anne C. Perry  
House Chair

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

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The Following Communication: S.C. 34

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 03, 2009

Honorable Elizabeth H. Mitchell, President of the Senate  
Honorable Hannah M. Pingree, Speaker of the House  
124th Legislature  
State House  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 106 An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Deborah L. Simpson  
Senate Chair

S/Rep. Stephen R. Beaudette  
House Chair

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

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Bill "An Act To Protect Residential Consumers of Home Heating Fuel"

S.P. 119 L.D. 355

Presented by Senator BLISS of Cumberland.  
Cosponsored by Senator BARTLETT of Cumberland,  
Representative EBERLE of South Portland and Representatives:  
DILL of Cape Elizabeth, FLAHERTY of Scarborough,  
MORRISON of South Portland.

Bill "An Act To Protect Confidential Consumer Records in Self-service Storage Facilities"

S.P. 130 L.D. 366

Presented by Senator BOWMAN of York.  
Cosponsored by Representative WEAVER of York and  
Representative: WHEELER of Kittery.

Bill "An Act To Amend the Laws Governing Bottle Redemption and To Establish the Department of Agriculture, Food and Rural Resources as the Agent in the State for the Purposes of Bottle Redemption"

S.P. 139 L.D. 397

Presented by Senator SULLIVAN of York.  
Cosponsored by Representative CASAVANT of Biddeford and  
Senators: BRYANT of Oxford, DIAMOND of Cumberland,  
NUTTING of Androscoggin, SCHNEIDER of Penobscot,  
Representatives: CLEARY of Houlton, WRIGHT of Berwick.

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 Relating to Death Benefits for Certain Law Enforcement Officers"

S.P. 135 L.D. 393

Presented by Senator GERZOFISKY of Cumberland.  
Cosponsored by Representative HASKELL of Portland and  
Senators: ALFOND of Cumberland, DIAMOND of Cumberland,  
GOODALL of Sagadahoc, Representative: DAVIS of Sangerville.

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

Sent down for concurrence.

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Bill "An Act To Require the Teaching of Acadian History as Part of Maine History"

S.P. 121 L.D. 357

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative MARTIN of Eagle Lake and  
Senators: MARRACHÉ of Kennebec, SIMPSON of Androscoggin,  
Representatives: AYOTTE of Caswell, CASAVANT of Biddeford,  
CROCKETT of Augusta, ROTUNDO of Lewiston, THERIAULT of  
Madawaska, WAGNER of Lyman.

Resolve, Requiring the Department of Education To Amend Rules  
Relating to School Construction

S.P. 122 L.D. 358

Presented by Senator MILLS of Somerset.

Bill "An Act To Eliminate Schools' Responsibility for  
Transportation of Preschool Students"

S.P. 128 L.D. 364

Presented by Senator WESTON of Waldo.  
Cosponsored by Representative PIOTTI of Unity and Senator:  
MARRACHÉ of Kennebec, Representative: FITTS of Pittsfield.

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

Sent down for concurrence.

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Bill "An Act To Ensure That MaineCare Reimbursements to  
Hospitals Do Not Pay For Hospital Advertisements"

S.P. 123 L.D. 359

Presented by Senator NUTTING of Androscoggin.  
Cosponsored by Senator: MARRACHÉ of Kennebec,  
Representative: MILLER of Somerville.

Bill "An Act To Require a Birth Certificate for a Stillborn Child"

S.P. 125 L.D. 361

Presented by Senator SULLIVAN of York.  
Cosponsored by Representative PERRY of Calais and Senator:  
CRAVEN of Androscoggin, Representatives: CAMPBELL of  
Newfield, CONNOR of Kennebunk.

Bill "An Act To Support New Mothers Who Are in Substance  
Abuse Treatment Programs"

S.P. 126 L.D. 362

Presented by Senator BARTLETT of Cumberland.

Resolve, To Further Regulate the Use of Tanning Booths by  
Minors

S.P. 137 L.D. 395

Presented by Senator MARRACHÉ of Kennebec.

Bill "An Act To Implement the Recommendations of the Blue  
Ribbon Commission To Study Long-term Home-based and  
Community-based Care" (EMERGENCY)

S.P. 142 L.D. 400

Presented by Senator CRAVEN of Androscoggin.  
Cosponsored by Representative MILLETT of Waterford and  
Senators: BARTLETT of Cumberland, MARRACHÉ of Kennebec,  
RAYE of Washington, Representatives: CAMPBELL of Newfield,  
JONES of Mount Vernon, MILLER of Somerville, Speaker  
PINGREE of North Haven.

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

Sent down for concurrence.

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Bill "An Act To Increase Child Support Collections"

S.P. 141 L.D. 399

Presented by Senator SIMPSON of Androscoggin.  
Cosponsored by Senator: NUTTING of Androscoggin.

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

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED**  
to the Committee on **JUDICIARY**.

Sent down for concurrence.

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Off Record Remarks

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Bill "An Act To Transfer Ownership and Management of Swan  
Island and Little Swan Island in Perkins Township, Sagadahoc  
County to the Department of Conservation"

S.P. 140 L.D. 398

Presented by Senator GOODALL of Sagadahoc.  
Cosponsored by Representative BERRY of Bowdoinham and  
Senator: McCORMICK of Kennebec, Representatives: FOSSEL  
of Alna, MacDONALD of Boothbay, PERCY of Phippsburg,  
TREAT of Hallowell, WATSON of Bath.

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 Allow Wider Kayaks in the Allagash Wilderness Waterway"

S.P. 118 L.D. 354

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative MARTIN of Eagle Lake and  
Senators: BRYANT of Oxford, NUTTING of Androscoggin,  
SHERMAN of Aroostook, Representatives: CRAY of Palmyra,  
PRATT of Eddington, THERIAULT of Madawaska.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested  
and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the  
Committee on **AGRICULTURE, CONSERVATION AND  
FORESTRY**.

Sent down for concurrence.

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Bill "An Act To Clarify Guaranteed Fund Protection for Deferred  
Compensation Accounts"

S.P. 132 L.D. 390

Presented by Senator McCORMICK of Kennebec.  
Cosponsored by Representative TREAT of Hallowell and  
Senator: DIAMOND of Cumberland, Representative: FLOOD of  
Winthrop.

Bill "An Act To Reduce Minimum Participation to 60% for Group  
Health Insurance"

S.P. 134 L.D. 392

Presented by Senator PLOWMAN of Penobscot.  
Cosponsored by Senators: BOWMAN of York, McCORMICK of  
Kennebec, RAYE of Washington, Representatives: BICKFORD of  
Auburn, FOSSEL of Alna, WEAVER of York.

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to  
the Committee on **INSURANCE AND FINANCIAL SERVICES**  
and ordered printed.

Sent down for concurrence.

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Bill "An Act To Amend the Laws Governing MaineCare Estate  
Recovery Undertaken by the Department of Health and Human  
Services"

S.P. 129 L.D. 365

Presented by Senator MILLS of Somerset.  
Cosponsored by Representative RICHARDSON of Warren and  
Senator: HOBBS of York.  
Submitted by the Department of Health and Human Services  
pursuant to Joint Rule 204.

Bill "An Act To Amend the Law Concerning Adverse Possession"  
S.P. 133 L.D. 391

Presented by Senator HOBBS of York.  
Cosponsored by Senator: HASTINGS of Oxford.

Bill "An Act To Protect Nonprofit Organizations from  
Embezzlement"

S.P. 136 L.D. 394

Presented by Senator HOBBS of York.  
Cosponsored by Representative VALENTINO of Saco.

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

Sent down for concurrence.

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Bill "An Act To Reduce the Amount of Plastic Introduced into the  
Waste Stream"

S.P. 131 L.D. 367

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.

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Bill "An Act To Notify a Lienholder before Property Is Withdrawn  
from Assessment under the Maine Tree Growth Tax Law"

S.P. 124 L.D. 360

Presented by Senator SCHNEIDER of Penobscot.  
Cosponsored by Representative FLEMINGS of Bar Harbor and  
Senators: NASS of York, PERRY of Penobscot, RAYE of  
Washington, SMITH of Piscataquis, Representatives: KNIGHT of  
Livermore Falls, LANGLEY of Ellsworth, SIROIS of Turner.

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

Sent down for concurrence.

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Bill "An Act To Increase the Safety of Automobile Drivers"

S.P. 120 L.D. 356

Presented by Senator BLISS of Cumberland.  
Cosponsored by Representative MORRISON of South Portland  
and Representatives: DILL of Cape Elizabeth, FLAHERTY of  
Scarborough.

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

Sent down for concurrence.

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Bill "An Act Regarding Installation of Solar Energy Systems under the Solar and Wind Energy Rebate Program"

S.P. 138 L.D. 396

Presented by Senator NUTTING of Androscoggin.

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

Sent down for concurrence.

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Bill "An Act To Allow State Agencies To Acquire and Sell Carbon Credits under the Regional Greenhouse Gas Initiative"

S.P. 127 L.D. 363

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Representative SAVIELLO of Wilton and Senators: DAVIS of Cumberland, DIAMOND of Cumberland, RECTOR of Knox, SMITH of Piscataquis, Representatives: FLETCHER of Winslow, PIEH of Bremen, TARDY of Newport, WATSON of Bath.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

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

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

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**Joint Order**

An Expression of Legislative Sentiment recognizing:

Maine's Charitable Nonprofit Community and the Maine Association of Nonprofits which is hosting the 6th Annual Nonprofit Day at the Statehouse on February 5, 2009. The Maine Association of Nonprofits proudly serves nonprofit organizations throughout the State who are adding value and reducing costs by reaching across traditional boundaries, developing innovative solutions and programs, and bringing additional resources to meet governmental responsibilities. In an era of declining revenues and increasing needs, the Maine Association of Nonprofits is committed to helping nonprofits and government work together to ensure the well-being of our citizens and the continuation of the qualities of life that make Maine the place we all love. We congratulate the Maine Association of Nonprofits for its excellent work on behalf of the nonprofit organizations and extend our thanks to them for organizing the 6th Annual Nonprofit Day at the Statehouse;

SLS 41

Sponsored by Senator BLISS of Cumberland. Cosponsored by Senators: ALFOND of Cumberland, BRANNIGAN of Cumberland, Representatives: ADAMS of Portland, COHEN of Portland, DILL of Cape Elizabeth, EBERLE of South Portland, FLAHERTY of Scarborough, HARLOW of Portland, HASKELL of Portland, HINCK of Portland, KAENRATH of South Portland, KNIGHT of Livermore Falls, LOVEJOY of Portland, MORRISON of South Portland, RUSSELL of Portland, STUCKEY of Portland.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Senator **BLISS** of Cumberland.

Senator **BLISS:** Thank you, Madame President. This Body, our colleagues at the other end of the hall, and the Chief Executive from the beginning of the time when Maine first became a state have worked very hard to provide services and support for our people to ensure that they have what they need to survive and prosper. The truth of the matter is we could never ever have done this job without the help of Maine's nonprofit family. Nonprofit organizations in Maine provide an array of services that we could never offer to our neediest, to our youngest, to our oldest, or to our sickest. They are, in many ways, the backbone of services that help people in Maine survive. The Maine Association of Nonprofits is an organization designed specifically to help those small and large nonprofits succeed so that they can help the state of Maine succeed. I'm delighted today to honor that group and I encourage my colleagues to take a few moments today to visit the Hall of Flags to visit some of the member organizations of the Maine Association of Nonprofits who are here to tell you what they do, working in concert with us, to help make the lives of Maine's people better and more productive. Thank you, Madame President.

**PASSED.**

Ordered sent down forthwith for concurrence.

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Off Record Remarks

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters 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 (1/29/09) Assigned matter:

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

S.P. 56 L.D. 170

Tabled - January 29, 2009, by Senator **NUTTING** of Androscoggin

Pending - **FURTHER CONSIDERATION**

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

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

(In House, January 27, 2009, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in **NON-CONCURRENCE**.)

On motion by Senator **NUTTING** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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The Chair laid before the Senate the following Tabled and Later (1/29/09) Assigned 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

Tabled - January 29, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

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

(In House, January 27, 2009, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.)

On motion by Senator **SIMPSON** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

**NOMINATION** - of Paul K. Vestal of Plymouth for reappointment to the Maine Human Rights Commission

Tabled - February 5, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 5, 2009, Communication (S.C. 35) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 124<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#3)**

**YEAS:** Senators: None

**NAYS:** Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, NASS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

**ABSENT:** Senators: BOWMAN, MILLS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Paul K. Vestal** of Plymouth for reappointment to the Maine Human Rights Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

**NOMINATION** - of Kenneth W. Fredette of Newport for appointment to the Maine Human Rights Commission

Tabled - February 5, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 5, 2009, Communication (S.C. 36) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 5, 2009

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 124<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#4)**

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, NASS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senators: BOWMAN, MILLS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kenneth W. Fredette** of Newport for appointment to the Maine Human Rights Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

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

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

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

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

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Off Record Remarks

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

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