

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

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

In Senate Chamber
Thursday
February 12, 2009

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

Prayer by Leslie Manning of Durham Friends Meeting.

MS. MANNING: Good morning, friends. We are meeting today on the anniversary, the 200th anniversary, of the birth of the President who suspended habeas corpus to preserve government of the people, by the people, and for the people, all of the people. Whose Secretary of War was raised an observant Quaker. Whose first inaugural address appealed to the better angles of our nature before he went on to prosecute the most brutal and appalling war our nation has ever engaged in, the war between brothers. Although deeply religious, he never professed to be a Christian, in part because he could never find a denomination who truly followed the teachings of Jesus. His life and his leadership teach us that we are all flawed human beings, doing the best we can in a less than perfect world, but that, with God's grace, our own humor and compassion, truth, justice, and peace will prevail. With malice towards none and charity to all, let us pray.

Make me an instrument of Your peace. Where there is hatred, let me bring love. Where there is despair, hope. I seek not to be understood as much as to understand, to be consoled as to offer consolation, and where there is darkness, to be a source of Your light. I am the clay, mold me. I am the vessel, fill me. I am the instrument, use me so that I may walk cheerfully in this, Your earth, recognizing and honoring that of You in everyone I meet. Amen.

Reading of the Journal of Tuesday, February 10, 2009.

Doctor of the day, Dr. Victoria Rogers, MD of Portland.

Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Joint Order:
S.P. 211

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 17, 2009, at 10:00 the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction"
H.P. 332 L.D. 444

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 **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 53

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

February 6, 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, §11053, I am pleased to appoint Senator Justin Alford of Cumberland to the New England Board of Higher Education, representing a member of the Senate. He will be replacing Senator Elizabeth Mitchell.

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. 52

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

Tuesday, February 10, 2009

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State 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 Sen. Plowman of Penobscot, to report the following bill Leave to Withdraw:

L.D. 170 An Act To Ensure the Integrity of Harness
Horse Racing Track Conditions

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. 46

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 6, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 136 An Act To Require the Provision of
Unstructured Recess Time for Elementary
School Students

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

Sincerely,

S/Sen. Justin L. Alford
Senate Chair

S/Rep. Patricia B. Sutherland
House Chair

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

The Following Communication: S.C. 47

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

February 6, 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":

L.D. 17 An Act To Prohibit the Sale of Energy Drinks to
Minors

We have also notified the sponsor and cosponsors 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.**

The Following Communication: S.C. 48

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

February 6, 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":

L.D. 99 An Act To Allow Authorization for the Release
 of HIV Information on a General Medical
 Information Release Form

We have also notified the sponsor and cosponsors 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**.

The Following Communication: S.C. 49

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

February 9, 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 Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 27 An Act To Amend the Definition of Employment
 for Purposes of Unemployment Compensation

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

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 50

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 6, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 205 An Act To Repeal the Maine Clean Election Act

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Pamela Jabar Trinward
House Chair

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

The Following Communication: S.C. 51

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

February 5, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 36 An Act To Reopen Certain Rest Stops on Route
1

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for the Construction of a Multiuse Arena in Bangor"
S.P. 202 L.D. 507

Presented by Senator PERRY of Penobscot.
Cosponsored by Representative BUTTERFIELD of Bangor and Representatives: GOODE of Bangor, MARTIN of Orono, STEVENS of Bangor.

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 Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts"
S.P. 195 L.D. 500

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representatives: CLEARY of Houlton, SMITH of Monmouth.

Bill "An Act To Enhance Economic Development in Rural Maine"
S.P. 199 L.D. 504

Presented by Senator GOOLEY of Franklin.
Cosponsored by Representative SAVIELLO of Wilton and Senator: SMITH of Piscataquis, Representatives: BRYANT of Windham, CLARK of Millinocket, CROCKETT of Bethel, DAVIS of Sangerville, HARVELL of Farmington, MILLER of Somerville, PINKHAM of Lexington Township.

Bill "An Act To Amend the Laws Governing Returnable Beverage Containers"
S.P. 204 L.D. 544

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: COURTNEY of York, McCORMICK of Kennebec, PERRY of Penobscot, Representatives: CUSHING of Hampden, PRATT of Eddington.

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 More Accurately Reflect the Disposition of a Case in Criminal History Record Information"
S.P. 191 L.D. 492

Presented by Senator NUTTING of Androscoggin.
Bill "An Act To Protect Maine Residents from Home Fires and Carbon Monoxide"
S.P. 212 L.D. 550

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative SMITH of Monmouth and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRYANT of Oxford, GERZOFSKY of Cumberland, JACKSON of Aroostook, MARRACHÉ of Kennebec, Representatives: CONNOR of Kennebunk, PRESCOTT of Topsham.

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

Sent down for concurrence.

Resolve, Regarding Continuity of Care in the Child Development Services System
S.P. 188 L.D. 489

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative WAGNER of Lewiston and Representative: SUTHERLAND of Chapman.

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

Sent down for concurrence.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Pertaining to Youth Spring Wild Turkey Hunting Day

S.P. 200 L.D. 505

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative SAVIELLO of Wilton and Senator: TRAHAN of Lincoln, Representatives: DAVIS of Sangerville, EBERLE of South Portland, FLETCHER of Winslow.

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 Regulate Foreclosure Negotiators"

S.P. 198 L.D. 503

Presented by Senator BOWMAN of York.
Cosponsored by Representative TREAT of Hallowell.

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

Sent down for concurrence.

Bill "An Act To Reform Maine's Judicial System"

S.P. 190 L.D. 491

Presented by Senator JACKSON of Aroostook. (BY REQUEST)

Bill "An Act To Require Additional Information in the Annual Reports of Nonprofit Corporations"

S.P. 197 L.D. 502

Presented by Senator BOWMAN of York.
Cosponsored by Representative PRIEST of Brunswick.

Bill "An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships"

S.P. 203 L.D. 508

Presented by Senator HOBBS of York.
Cosponsored by Representative PRIEST of Brunswick and Senators: BLISS of Cumberland, COURTNEY of York, Representatives: BEAULIEU of Auburn, BRYANT of Windham, DILL of Cape Elizabeth, HILL of York, NASS of Acton.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act To Ensure Access to Public Information"

S.P. 206 L.D. 546

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Representative TARDY of Newport and Senators: RAYE of Washington, SMITH of Piscataquis, Representatives: BERRY of Bowdoinham, HILL of York, WEAVER of York.

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

Sent down for concurrence.

Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing"

S.P. 209 L.D. 549

Presented by Senator WESTON of Waldo.
Cosponsored by Senators: DIAMOND of Cumberland, HASTINGS of Oxford, NUTTING of Androscoggin, Representative: THIBODEAU of Winterport.

On motion by Senator JACKSON of Aroostook, **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Concerning Write-in Candidates for Elected Office To Increase Fairness"

S.P. 207 L.D. 547

Presented by Senator BOWMAN of York. (BY REQUEST)

Bill "An Act To Provide Information to Maine Voters About the Cost and Fiscal Impact of Citizens' Initiatives"

S.P. 208 L.D. 548

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative TUTTLE of Sanford and Senators: GOODALL of Sagadahoc, JACKSON of Aroostook, RECTOR of Knox, SULLIVAN of York, Representatives: FITTS of Pittsfield, TRINWARD of Waterville, VALENTINO of Saco.

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 Protect Public Safety and Provide for the Prudent Use of Landfill Capacity"

S.P. 201 L.D. 506

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Senator: SIMPSON of Androscoggin,
Representative: CAIN of Orono.

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 Ensure Maine's Energy Security and Reduce Dependence on Oil"

S.P. 196 L.D. 501

Presented by Senator PERRY of Penobscot.
Cosponsored by Representative BUTTERFIELD of Bangor and
Representatives: GOODE of Bangor, MARTIN of Orono.

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

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE**.

Sent down for concurrence.

Bill "An Act To Require the State To Issue Requests for Proposals for the Shredding of State Documents"

S.P. 194 L.D. 499

Presented by Senator TRAHAN of Lincoln. (BY REQUEST)

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 Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns" (EMERGENCY)

S.P. 189 L.D. 490

Presented by Senator ROSEN of Hancock.
Cosponsored by Representatives: FITTS of Pittsfield, LANGLEY of Ellsworth, McFADDEN of Dennysville.

Bill "An Act To Provide Sensible Options for Tax Increment Financing Proceeds in Small Towns"

S.P. 192 L.D. 493

Presented by Senator ROSEN of Hancock.
Cosponsored by Representative MARTIN of Eagle Lake.

Bill "An Act To Amend the Tax Exemption Regarding Leased Property"

S.P. 205 L.D. 545

Presented by Senator BLISS of Cumberland.
Cosponsored by Senator: MARRACHÉ of Kennebec.

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

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **McCORMICK** of Kennebec, the following Joint Order:

S.P. 193

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the Senate, a resolve establishing a study commission on in utero drug addiction.

READ.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **McCORMICK** of Kennebec to **PASS**.

On motion by Senator **JACKSON** of Aroostook (Cosponsored by Representative MARTIN of Eagle Lake and Representatives: AYOTTE of Caswell, THERIAULT of Madawaska), the following Joint Resolution:

S.P. 210

JOINT RESOLUTION RECOGNIZING THE SIGNIFICANT CULTURAL CONTRIBUTIONS ACADIANS HAVE MADE TO OUR STATE AND NEW BRUNSWICK

WHEREAS, Acadia refers to the area of early French settlement in colonial times in what is now Maine and the Canadian Maritime Provinces, including our neighbor, New Brunswick, and this area retains its ancient and proud French heritage and language; and

WHEREAS, Maine Acadian culture can be found everywhere in the St. John Valley in Aroostook County: it can be seen in the predominance of French given names and place-names; in the architecture of houses, churches, potato houses and twin barns; in the cultivation of potatoes and buckwheat; and in local arts; and

WHEREAS, Maine Acadian can be tasted in traditional foods and heard in casual conversations and stage performances and read about in books; and

WHEREAS, the cultural identity of Maine Acadians is directly tied to retaining strong connections to family, religion and the land; and

WHEREAS, despite significant changes in social and economic life, Maine Acadian family names, religious affiliation and connection to the land remain potent markers of cultural identity; and

WHEREAS, the characteristic features of Maine Acadian cultural identity are rooted in the shared values, ideas and practices passed on from one generation to the next; and

WHEREAS, Maine Acadians have historically used the French language to transmit cultural knowledge, particularly oral traditions, and today French is learned as a first or second language throughout the State of Maine, including in other Franco-American communities; and

WHEREAS, clubs and organizations to promote Acadian and French culture and language in the State have sprung up in past years, including many at the local level and the Francophone Caucus at the Maine State House in Augusta; and

WHEREAS, throughout Maine history, Maine Acadians have held prominent positions in all of State Government, including the legislative and judicial branches and at all local levels of government; and

WHEREAS, the French language and other expressive traditions further contribute to the distinctiveness of Maine Acadian culture within the United States and the culture of Acadians in neighboring New Brunswick, and these ties bind the two nations closer together; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Twenty-fourth Legislature of the State of Maine, now assembled in the First Regular Session, on behalf of the people we represent, join together in recognizing the importance of the cultural and historical significance and contributions of Acadian residents of our State; and be it further

RESOLVED: That, as we recognize the significance of Acadian culture in the State of Maine, we join together to support the consideration of Maine and New Brunswick by the Societe Nationale de l'Acadie as the host for the 2014 World Acadian Congress.

READ and ADOPTED.

Ordered sent down forthwith for concurrence.

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:

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

S.P. 21

Tabled - January 29, 2009, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

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

(In House, January 27, 2009, **READ** and **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (2/10/09) Assigned matter:

SENATE REPORT - from the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 4, section 1701, subsection 13, on Bill "An Act To Address an Inequity in the Judicial Retirement System"

S.P. 184 L.D. 488

Report - **REFER** to the Committee on **JUDICIARY**

Tabled - February 10, 2009, by Senator **BLISS** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

(In Senate, February 10, 2009, Report **READ**.)

On motion by Senator **BLISS** of Cumberland, Report **ACCEPTED**.

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Rule-making Authority to the Maine Library Commission"

S.P. 11 L.D. 2

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate on the Record.

Senator **DAMON**: Thank you, Madame President. Ladies and gentlemen of the Senate, there has been a fair amount made of birthdays today in our opening prayer and in these remarks, but it was, I believe, ten score years ago that another great American had his birth. I refer to, of course, Charles Darwin, who went on to some renown. In addition to him, our opening prayer made mention of the fact of our 16th President who, too, was born on this day 200 years ago. I want to read into the record a few remarks that he made before his death so that perhaps future legislatures, or future Senators, and citizens can recognize that we recognized him. You've all heard this. In fact, you've probably had to memorize it at one time during your life. As I

reread it, and read it again and again, it is so simple, so eloquent, yet so profound that I want it in the record. If I may proceed.

'Four score and seven years ago, our fathers brought forth on this continent a new nation: conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth.'

Thank you, Madame President.

Senator **DIAMOND** of Cumberland 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 on the Record.

Senator **RAYE**: Thank you, Madame President. I want to thank the good Senator from Hancock, Senator Damon, for reminding us of the eloquent words of President Lincoln and I asks that when the Senate adjourns today that we do so in tribute to the 200th anniversary of President Lincoln's birth.

On motion by Senator **RAYE** of Washington, **ADJOURNED**, until Tuesday, February 17, 2009, at 10:00 in the morning, in memory of and lasting tribute to President Abraham Lincoln.