

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 26, 2009

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

Prayer by (Rev.) William R. Campbell, S.J., President of
Cheverus High School.

REVEREND CAMPBELL: Let me add my voice to those of my
predecessors who have thanked you for the opportunity to pray
with you. You are allowing a Jesuit priest to serve you today in
this capacity, so please also allow me to offer a prayer that is
richly rooted in my Jesuit heritage.

St. Ignatius of Loyola, the founder of the Jesuit order, once
wrote a manual for prayer that has come to be known as the
Spiritual Exercises. The final meditation of this manual is called
the *contemplatio ad amorem*, rendered by one translation as a
contemplation to learn to love as God loves. It is an invitation to
immerse ourselves without reservation into the full reality of a
loving God. On behalf of the citizens of Maine, and mindful of the
profoundly important works that you seek to accomplish in serving
their needs, let us pray that our minds and hearts may be open to
God's spirit of truth, wisdom, justice, and peace.

Take, Lord, and receive all my liberty, my memory, my
understanding, and my entire will; all that I have and call my own.
You have given it all to me. To You, oh Lord, I return it.
Everything is Yours; do with it according to Your will. Give me
only Your love and Your grace; that is enough for me. Amen.

Reading of the Journal of Tuesday, February 24, 2009.

Doctor of the day, Dr. Karyn Diamond, MD of Standish.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **BARTLETT** of Cumberland, the following Joint Order:
S.P. 303

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

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 78

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

February 24, 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
Honorable John B. Beliveau of Lewiston, for reappointment as a
District Court Judge.

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 | 8 | Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor |

NAYS 0

ABSENT 2 Rep. Cleary of Houlton, Rep.
Dill of Cape Elizabeth

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

Eleven 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 Honorable John B. Beliveau of Lewiston, for
reappointment as a District Court Judge 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 **BLISS** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 79

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

February 24, 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 Honorable John David Kennedy of North Yarmouth, for reappointment as a District Court Judge.

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 | 8 | Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor |
| NAYS | | 0 | |
| ABSENT | | 2 | Rep. Cleary of Houlton, Rep. Dill of Cape Elizabeth |

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

Eleven 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 Honorable John David Kennedy of North Yarmouth, for reappointment as a District Court Judge 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 **BLISS** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 80

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

February 24, 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 Honorable Jon D. Levy of Portland, for reappointment as an Associate Justice of the Supreme Judicial Court.

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 | |

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 Honorable Jon D. Levy of Portland, for reappointment as an Associate Justice of the Supreme Judicial Court, 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 **BLISS** of Cumberland, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 66

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

February 24, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 93 An Act To Amend the Laws Governing
Construction Contracts

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for Research and Development"

S.P. 297 L.D. 770

Presented by Senator **BARTLETT** of Cumberland.
Cosponsored by Representative **SMITH** of Monmouth and Senator: **SCHNEIDER** of Penobscot, Representatives: **HUNT** of Buxton, **WRIGHT** of Berwick.

Bill "An Act To Authorize a General Fund Bond Issue To Fund the Communities for Maine's Future Program"

S.P. 302 L.D. 775

Presented by President **MITCHELL** of Kennebec.
Cosponsored by Representative **ROTUNDO** of Lewiston and Senators: **BARTLETT** of Cumberland, **BOWMAN** of York, **MARRACHÉ** of Kennebec, **MILLS** of Somerset, **RAYE** of Washington, **SULLIVAN** of York, Representatives: **BEAUDETTE** of Biddeford, **BERRY** of Bowdoinham, **FOSEL** of Alna, **MILLETT** of Waterford, Speaker **PINGREE** of North Haven, **PIOTTI** of Unity, **SMITH** of Monmouth.

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

Sent down for concurrence.

Resolve, To Examine Environmental Effects of the Dual Recovery System for Beverage Containers

S.P. 270 L.D. 733

Presented by Senator **NASS** of York.
Cosponsored by Representative: **CLEARY** of Houlton.

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

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 26, 2009

Bill "An Act To Create Jobs and Improve Energy Efficiency through the Transformation of Maine's Housing Stock" (EMERGENCY)

S.P. 301 L.D. 774

Presented by President MITCHELL of Kennebec. Cosponsored by Representative HASKELL of Portland and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BOWMAN of York, CRAVEN of Androscoggin, GOODALL of Sagadahoc, MARRACHÉ of Kennebec, RECTOR of Knox, SIMPSON of Androscoggin, SULLIVAN of York, Representatives: BERRY of Bowdoinham, CAIN of Orono, CROCKETT of Augusta, DUCHESNE of Hudson, FLAHERTY of Scarborough, FOSSEL of Alna, WALSH INNES of Yarmouth, MAGNAN of Stockton Springs, Speaker PINGREE of North Haven, PIOTTI of Unity, SUTHERLAND of Chapman, TREAT of Hallowell, TUTTLE of Sanford.

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

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

Bill "An Act To Provide for Treble Damages for Injuries Caused by a Person under the Influence of Alcohol or Drugs"

S.P. 271 L.D. 734

Presented by Senator BARTLETT of Cumberland. Cosponsored by Senator: BLISS of Cumberland, Representatives: HILL of York, PRIEST of Brunswick.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

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

Sent down for concurrence.

Bill "An Act To Allow Unimmunized Children to Attend School Upon Parental Waiver"

S.P. 275 L.D. 735

Presented by Senator MARRACHÉ of Kennebec. Cosponsored by Representative DOSTIE of Sabattus and Representatives: FLETCHER of Winslow, SAVIELLO of Wilton.

Bill "An Act To Increase Funding for Higher Education" S.P. 300 L.D. 773

Presented by Senator ALFOND of Cumberland. Cosponsored by Representative SUTHERLAND of Chapman and Senators: President MITCHELL of Kennebec, SCHNEIDER of Penobscot, TRAHAN of Lincoln, Representatives: BECK of Waterville, CAIN of Orono, LOVEJOY of Portland, WAGNER of Lewiston.

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 Require Patients of Opioid Treatment Programs To Release Medical Information to a Designated Primary Care Physician"

S.P. 285 L.D. 738

Presented by Senator MILLS of Somerset.

Bill "An Act To Improve the Dental Health of Children by Making Fluoride Treatments More Available"

S.P. 295 L.D. 768

Presented by Senator SCHNEIDER of Penobscot. Cosponsored by Senators: BARTLETT of Cumberland, MARRACHÉ of Kennebec, RECTOR of Knox, TRAHAN of Lincoln, Representatives: AUSTIN of Gray, HUNT of Buxton, MacDONALD of Boothbay.

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 Require the State To Provide Bonita Rogan with Health Insurance Benefits"

S.P. 284 L.D. 737

Presented by Senator PERRY of Penobscot.

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

Sent down for concurrence.

Bill "An Act To Allow Certain Organizations To Hold Raffles" (EMERGENCY)

S.P. 298 L.D. 771

Presented by Senator SULLIVAN of York. Cosponsored by Representative TUTTLE of Sanford and Senator: GOODALL of Sagadahoc, Representatives: CAREY of Lewiston, CORNELL du HOUX of Brunswick, CROCKETT of Augusta, HAMPER of Oxford, RUSSELL of Portland, TRINWARD of Waterville, VALENTINO of Saco.

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 26, 2009

Bill "An Act To Increase Eligibility Requirements under the Maine Clean Election Act"

S.P. 299 L.D. 772

Presented by Senator RAYE of Washington.
Cosponsored by Senator SHERMAN of Aroostook,
Representative STRANG BURGESS of Cumberland and Senator:
PLOWMAN of Penobscot, Representatives: NASS of Acton,
SAVIELLO of Wilton.

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 Lower the Cost of State Government in the
Departments under the Purview of the Joint Standing Committee
on Natural Resources"

S.P. 293 L.D. 746

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senator: TRAHAN of Lincoln, Representative:
SIROIS of Turner.

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 Provide That the Assessor and Treasurer Are
Incompatible Municipal Offices"

S.P. 286 L.D. 739

Presented by Senator MILLS of Somerset.

Bill "An Act To Authorize the Annexation of a Portion of Redington
Township in Franklin County to the Town of Carrabassett Valley"
(EMERGENCY)

S.P. 288 L.D. 741

Presented by Senator GOOLEY of Franklin.
Cosponsored by Representative PINKHAM of Lexington
Township.

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 Composition of the Maine Commission
on Domestic and Sexual Abuse"

S.P. 289 L.D. 742

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representatives: BEAULIEU of Auburn,
BRYANT of Windham, DILL of Cape Elizabeth, HILL of York,
NASS of Acton, PRIEST of Brunswick.

Committee on **STATE AND LOCAL GOVERNMENT** suggested
and ordered printed.

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

Bill "An Act To Validate the Property Tax Commitments in the
Towns That are Members of Community School District No. 9"
(EMERGENCY)

S.P. 287 L.D. 740

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Representatives: AYOTTE of Caswell,
EDGECOMB of Caribou.

Bill "An Act To Exempt Fuel Used by Commercial Fishing Vessels
from the Sales Tax" (EMERGENCY)

S.P. 290 L.D. 743

Presented by Senator RECTOR of Knox.
Cosponsored by Representative TILTON of Harrington and
Senators: DAMON of Hancock, GERZOFKY of Cumberland,
RAYE of Washington, ROSEN of Hancock, TRAHAN of Lincoln,
Representatives: ADAMS of Portland, MAZUREK of Rockland,
WEAVER of York.

Bill "An Act To Allow a Tax Credit for Tuition Paid to Private
Schools"

S.P. 291 L.D. 744

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Senator: NASS of York, Representative: JOY of
Crystal.

Bill "An Act To Amend the Laws Governing Income Tax To Allow
an Age-based Write-off of Capital Losses"

S.P. 296 L.D. 769

Presented by Senator RECTOR of Knox.
Cosponsored by Representative MARTIN of Orono and Senators:
McCORMICK of Kennebec, NASS of York, RAYE of Washington,
SCHNEIDER of Penobscot, SHERMAN of Aroostook, SULLIVAN
of York, WESTON of Waldo, Representative: GILES of Belfast.

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

Sent down for concurrence.

Resolve, Directing the Department of Transportation To Request Federal Funding for the Extension and Completion of Interstate 95 (EMERGENCY)

S.P. 283 L.D. 736

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and Representatives: AYOTTE of Caswell, CLARK of Easton, EDGECOMB of Caribou, MARTIN of Eagle Lake, SUTHERLAND of Chapman, WILLETTE of Presque Isle.

Bill "An Act To Allow the Operation of Modified Utility Vehicles on Public Ways"

S.P. 292 L.D. 745

Presented by Senator DAMON of Hancock.
Cosponsored by Representative MAZUREK of Rockland.

Bill "An Act To Promote Fairness and Protect Economic Development in Transportation Projects Undertaken by the State"
S.P. 294 L.D. 767

Presented by Senator DAMON of Hancock.
Cosponsored by Representative MAZUREK of Rockland.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Fund the Maine Downtown Center"
H.P. 75 L.D. 91

Reported that the same be REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Fund Fully the Purchase of Military Time" (EMERGENCY)

H.P. 88 L.D. 104

Reported that the same be **REFERRED** to the Committee on **LABOR**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

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

REFERRED to the Committee on **LABOR**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Appropriate Funds To Equip State Trooper Cars with Cages"

H.P. 212 L.D. 269

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

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

REFERRED to the Committee on **TRANSPORTATION**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Renovate and Expand the Boat Launch on Long Lake in St. Agatha"

H.P. 241 L.D. 305

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Facilitate Repairs to the Saco River Retaining Wall"

H.P. 253 L.D. 317

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent"

H.P. 275 L.D. 368

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Report **READ** and **REJECTED**.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units"

H.P. 32 L.D. 37

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Committee on **TRANSPORTATION** on Resolve, To Name Part of Route 16 the Alton E. Worcester Highway

H.P. 95 L.D. 111

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Public Water System Operation Fees"

S.P. 41 L.D. 119

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding the Electronic Submission of Filings"

S.P. 45 L.D. 123

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Amend the Requirements for the Livable Wage Report"

S.P. 23 L.D. 64

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate

Bill "An Act To Modify the Maine Dental Education Loan Program" (EMERGENCY)

S.P. 63 L.D. 177

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Bill "An Act To Allow a Newly Licensed Driver To Transport a Foreign Exchange Student Who Lives with That Driver's Family" S.P. 55 L.D. 169

READ A SECOND TIME.

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

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

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 (2/17/09) Assigned matter:

Bill "An Act To Clarify the Beano and Bingo Laws as They Apply to Federally Recognized Indian Tribes"

H.P. 371 L.D. 526

Tabled - February 17, 2009, by Senator **BLISS** of Cumberland

Pending - **REFERENCE**

(In House, February 12, 2009, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/24/09) Assigned matter:

Bill "An Act To Settle a Dispute between Andrea LaPointe and Michael Barden and the State"

H.P. 490 L.D. 707

Tabled - February 24, 2009, by Senator **DAMON** of Hancock

Pending - **REFERENCE**

(In House, February 24, 2009, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.)

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

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

COMMUNICATIONS

The Following Communication: S.P. 304

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 25, 2009

Sen. Troy Dale Jackson
Senate Chair, Joint Standing Committee on Labor
Rep. John L. Tuttle, Jr.
House Chair, Joint Standing Committee on Labor
124th Legislature
Augusta, ME 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated the following people to the Maine Workers' Compensation Board:

Mitchell Sammons of Belgrade, appointment
Ginette Rivard of Caribou, appointment
Bruce Roy of Jay, appointment
Susan Giguere of Winthrop, appointment
James Mingo of Holden, reappointment
Anthony Monfiletto of Portland, reappointment

Pursuant to Title 39-A M.R.S.A. §151(1), these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **LABOR**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: H.P. 526

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 20, 2009

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

The Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Secretary O'Brien and Clerk MacFarland:

In accordance with Joint Rule 501, we hereby appoint the following staff members to jointly serve as the partisan staff assistants for nominations in the 124th Legislature.

Alex Pringle (Senate President's Office)
Kenneth Hardy (Speaker's Office)

Please let us know if you have any questions about these appointments.

Best Regards,

S/Hannah M. Pingree
Speaker of the House

S/Elizabeth H. Mitchell
President of the Senate

S/Philip Bartlett
Senate Majority Leader

S/John F. Piotti
House Majority Leader

S/Lisa Marraché
Senate Assistant Majority Leader

S/Seth A. Berry
House Assistant Majority Leader

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, 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 Authorize a General Fund Bond Issue for the Land for Maine's Future Board"

H.P. 527 L.D. 776

Comes 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 Increase Split Sentencing Alternatives"
H.P. 506 L.D. 747

Bill "An Act To Adjust the Assessment for Correctional Services from Sagadahoc County" (EMERGENCY)
H.P. 507 L.D. 748

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

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

Bill "An Act To Require Due Process and To Establish Expiration Dates for Criminal Trespass and Harassment Notices"
H.P. 528 L.D. 777

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

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for 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 Education To Take Measures To Assist Blind and Visually Impaired Students
H.P. 508 L.D. 749

Bill "An Act To Exempt Certain Municipalities from the Requirement To Hold Referenda on School Budgets"
H.P. 509 L.D. 750

Bill "An Act To Exempt Certain Isolated Rural Communities from the Minimum Student Enrollment Requirements in the Laws Governing the Reorganization of School Administrative Units" (EMERGENCY)
H.P. 529 L.D. 778

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, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Soft Drinks
H.P. 511 L.D. 752

Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Taxable Food Items
H.P. 512 L.D. 753

Bill "An Act To Improve the Transparency of Certain Hospitals"
H.P. 516 L.D. 757

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 Paper

Resolve, To Transfer the Phillips Fish Hatchery to the Sandy River Land Trust
H.P. 510 L.D. 751

Comes 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 Regarding Subrogation of Medical Payments Coverage"
H.P. 513 L.D. 754

Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products"
H.P. 533 L.D. 782

Bill "An Act To Protect the Privacy of Consumer Financial Information"
H.P. 534 L.D. 783

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 Discourage the Misuse of the Process for Obtaining Protection from Abuse"

H.P. 515 L.D. 756

Bill "An Act To Improve the Process for Recovering Personal Property"

H.P. 535 L.D. 784

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 Papers

Bill "An Act To Allow Municipalities and Counties To Require Bartender Training for Liquor Licensees"

H.P. 517 L.D. 758

Bill "An Act To Require Closed-captioning for Certain Political Advertisements"

H.P. 530 L.D. 779

Bill "An Act To Increase the Amount and Number of Qualifying Contributions under the Maine Clean Election Act"

H.P. 531 L.D. 780

Bill "An Act To Designate a Specialty State Lottery Ticket To Benefit Cancer Education and Awareness"

H.P. 532 L.D. 781

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 Papers

Bill "An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit"

H.P. 518 L.D. 759

Bill "An Act To Improve Landfill Capacity"

H.P. 519 L.D. 760

Come 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 Abolish the Fund for the Efficient Delivery of Local and Regional Services"

H.P. 520 L.D. 761

Resolve, To Increase Reporting Transparency in State Government

H.P. 521 L.D. 762

Bill "An Act To Clarify the Warrant Article Petition Process"

H.P. 522 L.D. 763

Bill "An Act To Use All Available Technologies To Provide Efficiencies in State Facilities"

H.P. 536 L.D. 785

Bill "An Act To Require That Minutes Be Kept of Municipal Meetings"

H.P. 537 L.D. 786

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 Allow Towns To Establish Their Own Homestead Exemption Programs"

H.P. 524 L.D. 765

Bill "An Act To Provide an Additional Source of Revenue for the Tax Relief Fund for Maine Residents"

H.P. 538 L.D. 787

Bill "An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes"

H.P. 539 L.D. 788

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

Bill "An Act To Allow Municipalities To Offer Access to the Internet through Digital Subscriber Lines"

H.P. 523 L.D. 764

Bill "An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing"

H.P. 525 L.D. 766

Bill "An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers"

H.P. 540 L.D. 789

Bill "An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms"

H.P. 541 L.D. 790

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

House Paper

Bill "An Act To Help the State Achieve Energy Independence and Security"

H.P. 514 L.D. 755

Comes from the House, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed, in concurrence.

ORDERS OF THE DAY

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

NOMINATION - of the Honorable John B. Beliveau of Lewiston for reappointment as a District Court Judge

Tabled - February 26, 2009, by Senator **BLISS** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 26, 2009, Communication (S.C. 78) 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 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#11)

YEAS: Senators: None

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

ABSENT: Senator: PLOWMAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 the Honorable **John B. Beliveau** of Lewiston for reappointment as a District Court Judge was **CONFIRMED**.

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

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

NOMINATION - of the Honorable John David Kennedy of North Yarmouth for reappointment as a District Court Judge

Tabled - February 26, 2009, by Senator **BLISS** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 26, 2009, Communication (S.C. 79) 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 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#12)

YEAS: Senators: None

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

ABSENT: Senator: PLOWMAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 the Honorable **John David Kennedy** of North Yarmouth for reappointment as a District Court Judge was **CONFIRMED**.

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

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

NOMINATION - of the Honorable Jon D. Levy of Portland for reappointment as an Associate Justice of the Supreme Judicial Court

Tabled - February 26, 2009, by Senator **BLISS** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 26, 2009, Communication (S.C. 80) 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 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#13)

YEAS: Senators: None

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

ABSENT: Senator: PLOWMAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 the Honorable **Jon D. Levy** of Portland for reappointment as an Associate Justice of the Supreme Judicial Court was **CONFIRMED**.

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

Senator **RAYE** of Washington 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.

Off Record Remarks

Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

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

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

Senator **MILLS**: Thank you, Madame President. I received word this morning of the death of Harrison Richardson, who was a former member of this Body in 1973 and 1974 and was a member of the House, Republican Floor Leader in the House, back when the Republicans were running the show. He ran for Governor in 1974 and lost by 800 votes in the Primary. We used to refer to him as the best Governor that Maine never had. He was a good friend of mine. A law partner in the 1970's. An ardent environmentalist. The author of more legislation inside of four or five years than anybody ever saw or heard from. He was Chairman of the Board of Trustees of the University of Maine. Back when he was at the university he was all-New England Tackle and was built that way, had that sort of physical presence whenever he came into a room. He was a marvelous human being. He was 79 years old and died quietly at home in an atmosphere that I think he would have approved of. In any case, I just thought it might be appropriate to adjourn today in honor of Harrison L. Richardson, a great citizen of the state of Maine.

On motion by Senator **BARTLETT** of Cumberland,
ADJOURNED, pursuant to the Joint Order, to Tuesday, March 3, 2009, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Harrison Richardson of Gorham.