

# 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  
March 5, 2009

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

Prayer by Reverend Wayne Sawyer, Thomaston Baptist Church.

**REVEREND SAWYER:** Let us pray. Gracious God, we gather here today with thanksgiving in our hearts. We thank You for the joy of living in this great state, for its beauty, and for its good, hard working people. We thank You this day for the privilege of representing and serving in this high calling that You have afforded us. We ask that You will open our minds to think clearly and responsibly, that You would open our hearts to hear Your direction in our lives, and for this wonderful state. Grant that the decisions that we make today will bring honor to You, that they will gladden the hearts of the people of Maine, and that they will foster peace and prosperity for all who live in this great nation. We ask these things in Your holy name. Amen.

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

Doctor of the day, Dr. David Simmons, MD of Calais.

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. 326

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 10, 2009, at 5:00 in the evening.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

**COMMUNICATIONS**

The Following Communication: S.P. 334

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

March 3, 2009

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Sidney Bradley of Easton for reappointment to the State Harness Racing Commission.

Pursuant to Title 8 M.R.S.A. §261-A (5), this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 335

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

March 3, 2009

Sen. John M. Nutting  
Senate Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
Rep. Wendy Pieh  
House Chair, Joint Standing Committee on Agriculture,  
Conservation and Forestry  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Curtis Bohlen of Yarmouth for appointment to the Board of Pesticides Control.

Pursuant to Title 22 M.R.S.A. §1471-B (1), this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

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The Following Communication: S.P. 336

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

March 3, 2009

Sen. Justin L. Alford  
Senate Chair, Joint Standing Committee on Education and Cultural Affairs  
Rep. Patricia B. Sutherland  
House Chair, Joint Standing Committee on Education and Cultural Affairs  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Alford and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated Kevin McCarthy of Falmouth and Eleanor Baker of Cape Elizabeth for appointment to the University of Maine System Board of Trustees.

Pursuant to P&SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

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The Following Communication: S.C. 94

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

March 3, 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 Business, Research & Economic Development has had under consideration the nomination of W. Donald Hudson, Jr. of Arrowsic, for appointment to the Midcoast Regional Redevelopment Authority.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	10	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Prescott of Topsham, Wright of Berwick
NAYS		0	
ABSENT		0	

Thirteen 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 W. Donald Hudson, Jr. of Arrowsic, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 87

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

February 26, 2009

Honorable John E. Baldacci  
Governor of Maine  
2 State House Station  
Augusta, ME 04333

Dear Governor Baldacci:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 124<sup>th</sup> Maine Legislature on Tuesday, March 10, 2009 at 7:00 p.m.

We look forward to seeing you then.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 88

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**

February 26, 2009

The Hon. Elizabeth H. Mitchell  
President of the Senate  
Augusta, Maine 04333

The Hon. Hannah M. Pingree  
Speaker of the House  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

I am pleased to accept your invitation to deliver the State of the State Address at a Joint Session of the 124<sup>th</sup> Maine Legislature on Tuesday, March 10, 2009, at 7:00 PM.

I look forward to seeing you then!

Sincerely,

S/John E. Baldacci  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 89

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

February 27, 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. 270 An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means

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.**

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The Following Communication: S.C. 95

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

Tuesday, March 3, 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. Rector of Knox, to report the following bill Leave to Withdraw:

LD 175      An Act To Modify the Maine Seed Capital Tax Credit Program

Sincerely,

S/Sen. Elizabeth M. Schneider  
Senate Chair

S/Rep. Nancy E. Smith  
House Chair

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

The Following Communication:      S.C. 90

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 27, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 137      Resolve, To Authorize a Trail To Be Built Connecting the Cascade Falls Trail with the Eastern Trail

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

Sincerely,

S/Sen. Bruce S. Bryant  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

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

The Following Communication:      S.C. 91

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

February 26, 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 bills out "Ought Not to Pass":

- L.D. 219      An Act To Require Maine Clean Election Act Candidates To Use Maine Vendors
- L.D. 312      An Act To Require Campaign Finance Reports of Independent Expenditures To Contain a Copy of an Advertisement
- L.D. 339      An Act To Promote Ethics in Campaign Fund Solicitation

We have also notified the sponsors and cosponsors of each bill listed 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. 92

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

February 27, 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 260      An Act To Provide Access to Regional  
Greenhouse Gas Initiative Auction Funds to  
Maine Indian Tribes

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

Sincerely,

S/Sen. Seth A. Goodall  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

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The Following Communication:      S.C. 93

**MAINE STATE LEGISLATURE  
OFFICE OF PROGRAM EVALUATION AND  
GOVERNMENT ACCOUNTABILITY**

TO:      Speaker Hannah Pingree, Chair  
President Elizabeth Mitchell, Vice-Chair  
and Members of the Legislative Council

FROM:    S/Beth L. Ashcroft, Director

DATE:    February 27, 2009

RE:      OPEGA Report on MaineCare Children's Outpatient  
Mental Health Services

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on MaineCare Children's Outpatient Mental Health Services. The report is also available on our website at [www.maine.gov/legis/opega/reports.htm](http://www.maine.gov/legis/opega/reports.htm). The public comment period on this Report has been scheduled for Friday, March 13, 2009 at 9:30 a.m. in Room 216 Cross Building.

At today's public presentation of the report to the GOC, a provider in attendance raised a concern about the accuracy of figures included for his organization. OPEGA is researching the information he is providing to determine if changes should be

made to the report. We will make you aware if any updates do occur.

If you have questions, please do not hesitate to call or email me.

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

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**SENATE PAPERS**

Bill "An Act To Allow Licensed Kennel Owners To Vaccinate Their Own Dogs"

S.P. 327 L.D. 879

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative PRATT of Eddington and Representatives: CRAY of Palmyra, GIFFORD of Lincoln, SMITH of Monmouth.

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

Sent down for concurrence.

---

Bill "An Act To Improve Assistance for Technology-based Entrepreneurs"

S.P. 342 L.D. 892

Presented by Senator SCHNEIDER of Penobscot.  
Cosponsored by Representative RUSSELL of Portland and Representatives: MacDONALD of Boothbay, MARTIN of Orono. Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

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

Sent down for concurrence.

---

Bill "An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine"

S.P. 322 L.D. 853

Presented by Senator MARRACHÉ of Kennebec.  
Cosponsored by Representative MARTIN of Eagle Lake and Senators: ALFOND of Cumberland, PERRY of Penobscot, Representatives: EBERLE of South Portland, HASKELL of Portland, PERRY of Calais, STRANG BURGESS of Cumberland, STUCKEY of Portland.

Bill "An Act To Ensure the Availability of Supplemental Educational Loans" (EMERGENCY)

S.P. 325 L.D. 856

Presented by Senator RAYE of Washington.  
Cosponsored by Representative SUTHERLAND of Chapman and Senators: ALFOND of Cumberland, BOWMAN of York, ROSEN of Hancock, Representatives: CAIN of Orono, EDGECOMB of Caribou, MARTIN of Eagle Lake, MILLETT of Waterford, TARDY of Newport.

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 Health and Human Services To Create a New Health Care Internet Infrastructure

S.P. 323 L.D. 854

Presented by Senator MARRACHÉ of Kennebec.  
Cosponsored by Representative CAMPBELL of Newfield and Senators: BRANNIGAN of Cumberland, CRAVEN of Androscoggin, SIMPSON of Androscoggin, Representatives: CAIN of Orono, LEWIN of Eliot, MILLER of Somerville, PETERSON of Rumford, WEBSTER of Freeport.

Resolve, To Ensure the Health of Maine Children by Requiring a Certain Vaccination

S.P. 329 L.D. 881

Presented by Senator BRYANT of Oxford.  
Cosponsored by Representative JONES of Mount Vernon and Senators: BRANNIGAN of Cumberland, MARRACHÉ of Kennebec, Representatives: CROCKETT of Bethel, PERRY of Calais.

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

Sent down for concurrence.

---

Bill "An Act To Consolidate and Modernize Maine's Courts"

S.P. 330 L.D. 882

Presented by President MITCHELL of Kennebec.  
Cosponsored by Representative TARDY of Newport and Senators: HASTINGS of Oxford, RAYE of Washington, SMITH of Piscataquis, Representatives: BLODGETT of Augusta, CROCKETT of Augusta, DAVIS of Sangerville, McFADDEN of Dennysville, PERRY of Calais.

Bill "An Act To Limit Liability for Certain Noncommercial Aviation Activities"

S.P. 339 L.D. 889

Presented by Senator NASS of York.  
Cosponsored by Representative BICKFORD of Auburn.

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

Sent down for concurrence.

---

Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements

S.P. 338 L.D. 888

Presented by Senator MILLS of Somerset.

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 Reporting Requirements for Independent Expenditures for Political Campaigns"

S.P. 337 L.D. 887

Presented by Senator DAVIS of Cumberland.  
Cosponsored by Senators: COURTNEY of York, PLOWMAN of Penobscot, SMITH of Piscataquis, Representatives: AUSTIN of Gray, FITTS of Pittsfield, JOY of Crystal, STRANG BURGESS of Cumberland, TARDY of Newport.

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 Clarify the Public Ownership of Marine Organisms within the Intertidal Zone"

S.P. 321 L.D. 852

Presented by Senator TRAHAN of Lincoln.

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

Sent down for concurrence.

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Bill "An Act To Improve the Ground Water Oil Clean-up Fund"  
S.P. 328 L.D. 880

Presented by Senator SMITH of Piscataquis.

Bill "An Act To Amend the Site Location of Development Laws To  
Include Consideration of Greenhouse Gas Emissions"  
S.P. 341 L.D. 891

Presented by Senator GOODALL of Sagadahoc.  
Cosponsored by Representative: MacDONALD of Boothbay.  
Submitted by the Department of Environmental Protection  
pursuant to Joint Rule 204.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to  
the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

---

Resolve, Directing the Department of Administrative and Financial  
Services To Develop a Proposed State Policy for the Use of State  
Property by the Private Sector  
S.P. 340 L.D. 890

Presented by Senator SMITH of Piscataquis.  
Cosponsored by Representatives: DAVIS of Sangerville,  
JOHNSON of Greenville.

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 Exempt Certain Veterans from the Income Tax"  
S.P. 320 L.D. 851

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

Resolve, To Establish the Commission To Study the Reform of  
Taxes and Spending in Maine (EMERGENCY)  
S.P. 324 L.D. 855

Presented by Senator BOWMAN of York.

Bill "An Act To Provide Income Tax Equity for Working Spouses"  
S.P. 332 L.D. 884

Presented by Senator SMITH of Piscataquis.  
Cosponsored by Representative CHASE of Wells and Senators:  
HASTINGS of Oxford, NASS of York, Representatives: CLARK of  
Millinocket, DAVIS of Sangerville, JOHNSON of Greenville.

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

Sent down for concurrence.

---

Bill "An Act To Provide a Tax Deduction for Landlords Who  
Complete Energy Audits on Rental Units"  
S.P. 333 L.D. 885

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative TRINWARD of Waterville and  
Senators: JACKSON of Aroostook, PERRY of Penobscot,  
RECTOR of Knox, SCHNEIDER of Penobscot, Representatives:  
CAREY of Lewiston, FLETCHER of Winslow, GILES of Belfast,  
TREAT of Hallowell.

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

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

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Bill "An Act To Amend the Charter of the Tenants Harbor  
Standard Water District" (EMERGENCY)  
S.P. 331 L.D. 883

Presented by Senator RECTOR of Knox.  
Cosponsored by Representative KRUGER of Thomaston and  
Senator: TRAHAN of Lincoln.

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

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## ORDERS

### Joint Orders

Expressions of Legislative Sentiment recognizing:

Local 740 Portland firefighters who placed first in the Race Up Boston Place in Boston. The 9-member team from Local 740 was among 600 participants from 25 departments in the fund-raiser for the American Lung Association. The Portland firefighters climbed 82 flights of stairs in full turnout gear in 46 minutes and 7 seconds. The competition is designed to replicate the endurance required not only to climb the stairs to a high-rise fire but also the physical drain of aggressively fighting any fire. We commend the members of Local 740 for their impressive performance and their outstanding service to their community;

SLS 79

Sponsored by Senator ALFOND of Cumberland.  
Cosponsored by Senator: BRANNIGAN of Cumberland,  
Representatives: ADAMS of Portland, COHEN of Portland,  
HARLOW of Portland, HASKELL of Portland, HINCK of Portland,  
LOVEJOY of Portland, RUSSELL of Portland, STUCKEY of  
Portland.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, I bring your attention to 4-1. In February the Portland firefighters took first place in a competition in Boston that had them climbing 82 flights of stairs in their full turnout gear. Local 740's nine member team was among 600 participants from 25 departments in the Race Up Boston Place fundraiser event for the American Lung Association. The Portland top five made the climb in a total of 46 minutes and 7 seconds. The competition is designed to replicate the endurance needed to climb stairs in a high-rise to fight a fire as well as stimulate how physically draining it could be. I feel safer knowing these firefighters are on the job in Portland and I probably could extend that throughout the whole state of Maine. I'm proud to present them with this sentiment and congratulations on a job well done. The folks here today are James Westburg, John Hardy, Mike Nixon, Lenny Tracy, John Brennan, Keith Gautreau, Ryan Walsh, and Ryan Thomson. Thank you very much.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize them in the rear of the chamber.

Erica Lyford, of Milo, who has achieved her 1,000th career point milestone in basketball. Erica, a senior, plays on the Penquis Valley High School Lady Patriots team and she is the 6th person in school history to score 1,000 career points. We extend our congratulations and best wishes to Erica;

SLS 83

Sponsored by Senator SMITH of Piscataquis.  
Cosponsored by Representative: DAVIS of Sangerville.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. We have a small correction that we're going to do midcourse here. Erica Lyford is now a famous student in Penquis Valley High School history. As you can see from the sentiment, she scored her 1,000<sup>th</sup> point in basketball. We dutifully proceeded on the basis that I claimed her as my constituent because she graduated from Penquis Valley High School. In double checking everything late this morning we found out that she is in fact the Senator from Penobscot, Senator Schneider's constituent and I'm sure she will have a few words to say about her in a moment. For the small claim that Piscataquis County makes on her, we would just like to say that this is a rare opportunity when you can honor a student, and particularly a young lady like this. She has many great qualities and I'm going to leave it to the Senator from Penobscot, Senator Schneider, to outline those. For a claim that we have in Piscataquis County on her, we congratulate her for her outstanding achievements and to her family, who have joined her here today, as well. I'm pleased to have this small part in this. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I'm very pleased that Erica Lyford has come here today. She is an incredibly wonderful example of our students in my Senate district. She has not only achieved her 1,000<sup>th</sup> career point milestone in basketball but also serves as Class President, valedictorian, and is on the National Honor Society. I would just wish to congratulate her. I am so pleased for both her and her family. Thank you very much.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber this high scoring young lady, Erica Lyford of Milo. Would you please stand. She's with her mother, Marilyn; her aunt, Catherine; and her uncle, Rod. Would you all stand and accept the greetings of the chamber.

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Enhance Oversight of Fraternal Benefit Societies"

H.P. 136 L.D. 157

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**.

---

The Committee on **LABOR** on Bill "An Act To Amend the Laws Relating to the Maine Jobs Council"

H.P. 128 L.D. 149

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**.

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Revise the Boundary between the City of Waterville and the Town of Oakland"

H.P. 121 L.D. 142

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**.

---

**Ought to Pass As Amended**

The Committee on **TRANSPORTATION** on Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009" (EMERGENCY)

H.P. 54 L.D. 61

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-4)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-4)**.

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

**READ ONCE**.

Committee Amendment "A" (H-4) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Sale of a Road Sign Originally Placed by the State, a County or a Municipality"

H.P. 10 L.D. 15

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

DAMON of Hancock  
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
PEOPLES of Westbrook  
THERIAULT of Madawaska  
HARLOW of Portland  
CAREY of Lewiston  
BROWNE of Vassalboro  
THOMAS of Ripley  
CEBRA of Naples  
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

PERRY of Penobscot

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

**SECOND READERS**

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

**House**

Resolve, To Rename the Father Curran Bridge in Augusta.  
H.P. 53 L.D. 60

Bill "An Act To Allow School Buses To Travel at the Posted Speed Limit on the Interstate and the Maine Turnpike"  
H.P. 94 L.D. 110

Bill "An Act To Remove Game Sanctuary Status for Certain Lands in the Town of Orrington"  
H.P. 108 L.D. 124

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Bill "An Act To Amend the Alewife Fishing Laws"  
H.P. 130 L.D. 151

**READ A SECOND TIME.**

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Permanently Establish the Position of Director of Recreational Access and Landowner Relations"  
H.P. 594 L.D. 863

Resolve, To Promote the Use of Alternative Fiber  
H.P. 611 L.D. 893

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Authorize a General Fund Bond Issue To Fund Energy Investments for Maine's Future"  
H.P. 589 L.D. 858

Bill "An Act To Establish the Maine Farmland Fund and Authorize a General Fund Bond Issue To Support Maine's Traditional Industries"  
H.P. 612 L.D. 894

Bill "An Act To Authorize a General Fund Bond Issue To Renovate Classrooms, Laboratories and Other Essential Teaching and Learning Facilities in the University of Maine System and the Maine Community College System"  
H.P. 613 L.D. 895

Bill "An Act To Authorize a General Fund Bond Issue To Fund Research and Development for Cancer"  
H.P. 627 L.D. 909

Bill "An Act To Authorize a General Fund Bond Issue To Promote Sustainable Green Housing"  
H.P. 628 L.D. 910

Bill "An Act To Authorize a General Fund Bond Issue for Affordable Housing"

H.P. 629 L.D. 911

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

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

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32" (EMERGENCY)

H.P. 588 L.D. 857

Bill "An Act To Provide for the Certification of Teachers in a Critical Teacher Shortage Area"

H.P. 595 L.D. 864

Resolve, To Examine Data Discrepancies and Adequately Identify and Serve Children with Brain Injuries

H.P. 597 L.D. 866

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Change the Maine HIV Advisory Committee"

H.P. 596 L.D. 865

Bill "An Act To Amend the Laws Governing the Reporting of Crimes on the Maine Registry of Certified Nursing Assistants"

H.P. 608 L.D. 877

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Control Premium Costs in the Small Group Health Insurance Market"

H.P. 590 L.D. 859

Bill "An Act To Ensure Adequate Insurance Coverage for Family Child Care Providers"

H.P. 614 L.D. 896

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.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Amend the Law Pertaining to Permanently Restricted Funds of Municipal Public Libraries"

H.P. 616 L.D. 898

Comes 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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws"

H.P. 584 L.D. 849

Bill "An Act Regarding Unemployment Compensation"  
H.P. 598 L.D. 867

Bill "An Act To Rename the Division of Deafness within the  
Department of Labor"  
H.P. 599 L.D. 868

Bill "An Act To Require the Development of Plans To Achieve the  
Payment of Livable Wages by State and Local Government  
Employers"  
H.P. 600 L.D. 869

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

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

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Bill "An Act To Prohibit Mandatory Binding Arbitration"  
H.P. 615 L.D. 897

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

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

Sent down for concurrence.

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act To Improve Transportation for Veterans"  
H.P. 601 L.D. 870

Bill "An Act To Require Candidates for Public Office To Provide  
Proof of Citizenship"  
H.P. 617 L.D. 899

Bill "An Act To Prohibit Payments to Persons Who Collect  
Signatures for the Direct Initiative or People's Veto of Legislation"  
H.P. 618 L.D. 900

Bill "An Act To Restrict the Size of Political Signs on Vehicles"  
H.P. 619 L.D. 901

Bill "An Act To Provide the Right of First Refusal to Mobile Home  
Park Residents"  
H.P. 620 L.D. 902

Bill "An Act To Allow an Election Clerk To Request Proof of  
Identity from a Voter"  
H.P. 621 L.D. 903

Bill "An Act To Permit Brew Pubs To Sell Half-gallon Containers  
of Malt Liquor"  
H.P. 622 L.D. 904

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.

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act Relating to Geothermal Heat Exchange Wells"  
H.P. 591 L.D. 860

Bill "An Act Concerning Deductibles for Underground Oil Storage  
Facilities and Tanks"  
H.P. 592 L.D. 861

Bill "An Act To Facilitate Compliance with Solid Waste  
Management Rules"  
H.P. 602 L.D. 871

Resolve, To Create a Surrounding Community Advisory Panel for  
the Juniper Ridge Landfill in Old Town  
H.P. 607 L.D. 876

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.

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

#### PAPERS FROM THE HOUSE

##### House Paper

Resolve, To Require the State To Consult with the City of  
Hallowell prior to the Sale of Certain Real Property  
(EMERGENCY)

H.P. 623 L.D. 905

Comes 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.

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

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

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

**PAPERS FROM THE HOUSE**

**PAPERS FROM THE HOUSE**

**House Papers**

**House Papers**

Bill "An Act To Provide a Tax Credit to Certain Heating Fuel Contract Consumers"

Bill "An Act To Ensure Local Broadband Coverage"

H.P. 603 L.D. 872

H.P. 585 L.D. 850

Bill "An Act To Amend the Rate of Tax on New Manufactured Housing"

Resolve, To Authorize Efficiency Maine To Conduct a Pilot Conservation Program

H.P. 624 L.D. 906

H.P. 626 L.D. 908

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

Come from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

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

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

**PAPERS FROM THE HOUSE**

**PAPERS FROM THE HOUSE**

**House Papers**

**House Paper**

Bill "An Act To Improve the Health of Maine Citizens and Safety of Pedestrians"

Bill "An Act To Secure Maine's Energy Future"

H.P. 593 L.D. 862

H.P. 610 L.D. 886

Bill "An Act To Improve Wheelchair-dependent Parking Access"

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

H.P. 604 L.D. 873

Bill "An Act To Amend the Laws Governing Axle Weights"

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

H.P. 605 L.D. 874

Bill "An Act To Promote Fuel Conservation by Allowing the Use of Mini-trucks on Public Ways"

H.P. 606 L.D. 875

Bill "An Act To Change the Status of the Road System at the Loring Development Authority"

H.P. 609 L.D. 878

Bill "An Act To Amend the Speed Limits for Low-speed Vehicles"

H.P. 625 L.D. 907

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

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

**ORDERS**

**Senate Order**

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

S.O. 10

Ordered, that pursuant to Joint Rule 353, subsection 8, a special study table is established in the Senate.

**READ and PASSED.**

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**ORDERS OF THE DAY**

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

**NOMINATION** - of W. Donald Hudson, Jr. of Arrowsic for appointment to the Midcoast Regional Redevelopment Authority

Tabled - March 5, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **CONSIDERATION**

(In Senate, March 5, 2009, Communication (S.C. 94) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#14)**

**YEAS:** Senators: None

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

**ABSENT:** Senators: GERZOFKY, MILLS, WESTON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **W. Donald Hudson, Jr.** of Arrowsic for appointment to the Midcoast Regional Redevelopment Authority 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 (2/26/09) Assigned matter:

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

Tabled - February 26, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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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 (3/3/09) Assigned matter:

Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors

H.P. 582 L.D. 846

Tabled - March 3, 2009, by Senator **BARTLETT** of Cumberland

Pending - **REFERENCE**

(In House, March 3, 2009, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed.)

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

Sent down for concurrence.

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Off Record Remarks

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

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Senator **BRANNIGAN** of Cumberland 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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On motion by Senator **BARTLETT** of Cumberland,  
**ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 10, 2009, at 5:00 in the evening.