

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
Tuesday
March 10, 2009

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

Prayer by Reverend Dr. Susan Stonestreet, United Christian
Church of Lincolnville.

REVEREND STONESTREET: Would you join me in the spirit of prayer. Oh God of many names and far beyond any name we could humanly imagine, we give You thanks for this day and this night and this time to be together. We call upon You to be among this honorable gathering of servants of the people of rural, suburban, and urban communities of the great state of Maine. We call upon You to remind them of their responsibilities and their commitments to the least among us, the richest among us, the oldest among us, the employed and unemployed among us, and last, but certainly not least, the youngest among us. The children who will grow up to become our leaders, our able workers, our heads of families, and our providers and sustainers as we grow old. In holy and infinite love, oh compassionate God, You have created us for community and have called us to Your covenants of concern and the common good and care for all Your widows and orphans in this great state and beyond our borders. Your word, which comes in so many rich forms, oh wise God, is addressed to individuals and to communities and to cities and to nations and to the whole family of nations, so that all Earth's peoples may become one people someday. You will, oh justice seeking God, which we can never know for sure but can always strive to attain, is forsaken whenever we fail to nurture and sustain the dignity and rights and protections of all people in our state, nation, and world. Help these august members of the State Senate of Maine, oh God, to discern with sharp minds and compassionate hearts what You might have them accomplish for Your people, for all Your children, no matter their age or circumstance. Finally, oh God, remind them this night of the words of the prophet Isaiah as they are shared in the Hebrew scriptures: 'The wolf shall live with the lamb; the leopard shall lie down with the kid; the calf and the lion and the fatling together, and a little child shall lead them. The cow and the bear shall graze, their young shall lie down together, and the lion shall eat straw like the ox. The nursing child shall play over the hole of the asp and the weaned child shall put his hand on the adder's den. They shall not hurt or destroy on all my holy mountain, for the earth will be full of the knowledge of the Lord as the waters cover the sea.' May it be so someday in this great state of Maine with Your guidance, oh God, and through the efforts of this great body of men and women working together for the sake of all Your children. Amen.

Pledge of Allegiance led by Senator Stanley J. Gerzofsky of
Cumberland County.

Reading of the Journal of Thursday, March 5, 2009.

Doctor of the day, Dr. Rebecca Chagrasulis, MD of Casco.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **BARTLETT** of Cumberland, the following Senate Order:
S.O. 11

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature to be held at 7:00 this evening, in the Hall of the House for the purpose of extending to Governor John E. Baldacci, an invitation to attend and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **BARTLETT** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.P. 358

STATE OF MAINE
124TH MAINE LEGISLATURE

March 5, 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
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Honorable Donald Mearan of Hollis for appointment to the Land For Maine's Future Board.

Pursuant to Title 5 M.R.S.A. §6204 (2), 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. 359

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 5, 2009

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Transportation
Rep. Edward J. Mazurek
House Chair, Joint Standing Committee on Transportation
124th Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Mazurek:

Please be advised that Governor John E. Baldacci has nominated Diane Doyle of Saco for appointment to the Maine Turnpike Authority.

Pursuant to Title 23 M.R.S.A. §1965, this nomination will require review by the Joint Standing Committee on Transportation 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 **TRANSPORTATION.**

Sent down for concurrence.

The Following Communication: S.C. 97

**MAINE STATE PLANNING OFFICE
EXECUTIVE DEPARTMENT**

March 5, 2009

President Elizabeth Mitchell, Vice Chair
Speaker Hannah Pingree, Chair
Members, Legislative Council of the 124th Legislature
Maine Legislature
115 State House Station
Augusta, Maine 04333-0115

Dear President Mitchell and Speaker Pingree,

The State Planning Office is pleased to provide executive summaries of its report, titled 2009 Report on Poverty, in response to Resolve 1997, Chapter 36 to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty. The full report is available for download at: <http://www.maine.gov/spo/economics>.

We are most willing to present the report to you and happy to answer any questions that you may have.

Sincerely,

S/Martha E. Freeman
Director

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

SENATE PAPERS

Bill "An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories"

S.P. 353 L.D. 931

Presented by Senator RAYE of Washington.
Cosponsored by Representative BURNS of Whiting and Senator: MILLS of Somerset, Representatives: McFADDEN of Dennysville, PERRY of Calais, PIOTTI of Unity, TILTON of Harrington.

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 Prohibit Cyberbullying"

S.P. 355 L.D. 933

Presented by Senator NASS of York.
Cosponsored by Representative MILLER of Somerville.

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 Allow Youth To Fish for Smelt on Worthley Pond" (EMERGENCY)

S.P. 347 L.D. 925

Presented by Senator BRYANT of Oxford.
Cosponsored by Representative BRIGGS of Mexico and Representatives: GILBERT of Jay, PETERSON of Rumford.

Bill "An Act To Allow Smelt Fishing in Metallak Brook, Upper Richardson Lake" (EMERGENCY)

S.P. 348 L.D. 926

Presented by Senator BRYANT of Oxford.
Cosponsored by Representative BRIGGS of Mexico and Representatives: GILBERT of Jay, PETERSON of Rumford.

Bill "An Act To Establish and Enhance Populations of Large Landlocked Salmon in Certain Inland Waters"

S.P. 349 L.D. 927

Presented by Senator DAMON of Hancock.
Cosponsored by Representatives: DAVIS of Sangerville, DUCHESNE of Hudson, EBERLE of South Portland, PRATT of Eddington, SAVIELLO of Wilton, WATSON of Bath, WELSH of Rockport.

Bill "An Act To Expand the Moose Hunting Season"
S.P. 351 L.D. 929

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and Senators: BRYANT of Oxford, TRAHAN of Lincoln, Representatives: CLEARY of Houlton, EDGECOMB of Caribou, FITTS of Pittsfield, TARDY of Newport, THERIAULT of Madawaska.

Resolve, To Complete an All-terrain Vehicle Trail through Pittston Farm

S.P. 352 L.D. 930

Presented by Senator MILLS of Somerset.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining"

S.P. 356 L.D. 934

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative BUTTERFIELD of Bangor.

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

Sent down for concurrence.

Bill "An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates"

S.P. 343 L.D. 921

Presented by Senator DAVIS of Cumberland.
Cosponsored by Representative CLARK of Easton and Senators: PLOWMAN of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis, Representatives: AUSTIN of Gray, FITTS of Pittsfield, JOY of Crystal, STRANG BURGESS of Cumberland, TARDY of Newport.

Resolve, To Reduce Funding to Maine Clean Election Act Candidates

S.P. 345 L.D. 923

Presented by Senator McCORMICK of Kennebec.

Bill "An Act To Clarify the Taxability of Promotional Credits in the State Gaming Laws"

S.P. 346 L.D. 924

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

At this point a message was received from the House of Representatives, borne by Representative PIOTTI of Unity informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 7:00 in the evening for the purpose of extending to the Honorable John E. Baldacci, Governor of the State of Maine, an invitation to attend the Convention and make such communications as pleases him.

Bill "An Act To Transform the Maine Economy and Create Jobs"
S.P. 360 L.D. 955

Presented by President MITCHELL of Kennebec.
Cosponsored by Representative MARTIN of Eagle Lake and
Senators: BARTLETT of Cumberland, HOBBS of York,
NUTTING of Androscoggin, RAYE of Washington,
Representatives: FITTS of Pittsfield, HINCK of Portland,
ROTUNDO of Lewiston, TARDY of Newport.

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

Sent down for concurrence.

Bill "An Act To Permit the Landing of Dragged Crabs as Bycatch"
(EMERGENCY)

S.P. 350 L.D. 928

Presented by Senator RECTOR of Knox.
Cosponsored by Representative MAZUREK of Rockland and
Senators: DAVIS of Cumberland, ROSEN of Hancock, SULLIVAN
of York, TRAHAN of Lincoln, WESTON of Waldo,
Representatives: KRUGER of Thomaston, WEAVER of York.

Bill "An Act To Establish Area Management of Maine's Scallop
Fishery"

S.P. 354 L.D. 932

Presented by Senator RAYE of Washington.
Cosponsored by Representative TILTON of Harrington and
Senators: DAMON of Hancock, RECTOR of Knox,
Representatives: EATON of Sullivan, PERCY of Phippsburg,
WEAVER of York.

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

Sent down for concurrence.

Bill "An Act To Rate Energy Efficiency and Carbon Emissions of
Buildings"

S.P. 357 L.D. 935

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Senators: ALFOND of Cumberland, BARTLETT
of Cumberland, BLISS of Cumberland, SIMPSON of
Androscoggin, Representatives: DUCHESNE of Hudson,
EBERLE of South Portland.

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

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

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require a Supermajority Approval of the Legislature for
Tax Increases

S.P. 344 L.D. 922

Presented by Senator RECTOR of Knox.
Cosponsored by Representative WEAVER of York and Senators:
COURTNEY of York, HASTINGS of Oxford, ROSEN of Hancock,
SMITH of Piscataquis, TRAHAN of Lincoln, WESTON of Waldo,
Representative: FITTS of Pittsfield.

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

Sent down for concurrence.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Bill "An Act To Amend the Occupancy Limits for
Campsites in the Unorganized Territories" (EMERGENCY)

H.P. 113 L.D. 134

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**.

Senate

Ought to Pass As Amended

Senator PERRY for the Committee on **TAXATION** on Resolve,
Authorizing the State Tax Assessor To Convey the Interest of the
State in Certain Real Estate in the Unorganized Territory

S.P. 39 L.D. 90

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

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

READ ONCE.

Committee Amendment "A" (S-4) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act To Revise the Boundary between the City of Waterville and the Town of Oakland"

H.P. 121 L.D. 142

Bill "An Act To Amend the Laws Relating to the Maine Jobs Council"

H.P. 128 L.D. 149

Bill "An Act To Enhance Oversight of Fraternal Benefit Societies"

H.P. 136 L.D. 157

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

House As Amended

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
(C "A" H-4)

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units

H.P. 32 L.D. 37

An Act To Allow Nonmember Directors To Serve on the Board of Cooperative Agricultural Associations

S.P. 18 L.D. 46

An Act To Allow a Municipality Greater Flexibility To Disburse State Fees

S.P. 49 L.D. 130

An Act To Amend the Charter of the Athens Standard Water District

S.P. 50 L.D. 131

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Resolve

Resolve, To Name Part of Route 16 the Alton E. Worcester Highway

H.P. 95 L.D. 111

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories"

S.P. 353 L.D. 931

Tabled - March 10, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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 Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing"
H.P. 639 L.D. 936

Bill "An Act To Establish Annual Reporting for Genetically Engineered Crops"
H.P. 667 L.D. 965

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.

Bill "An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields"
H.P. 632 L.D. 914

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue for Capital Projects for Hospitals"

H.P. 630 L.D. 912

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June 2010 Elections"
H.P. 631 L.D. 913

Bill "An Act To Establish a New Method of Determining the State Budget"

H.P. 659 L.D. 957

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

On motion by Senator **CRAVEN** of Androscoggin, **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 License Septic System Installers"
H.P. 640 L.D. 937

Bill "An Act To Allocate Redemption Centers Based on Population"
H.P. 641 L.D. 938

Bill "An Act To Amend the Laws Governing the Maine Economic Improvement Fund"
H.P. 661 L.D. 959

Bill "An Act To Amend the Licensing Requirements for Marriage and Family Therapists"
H.P. 668 L.D. 966

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety"
H.P. 633 L.D. 915

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

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the University of Maine System To Self-transition Its Educational Broadband Service from Analog to Digital (EMERGENCY)
H.P. 665 L.D. 963

Comes 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

Bill "An Act Regarding Trans Fat"
H.P. 634 L.D. 916

Bill "An Act To Amend the Laws Governing Assisted Living Programs" (EMERGENCY)
H.P. 642 L.D. 939

Bill "An Act To Estimate the Financial Costs to Providers in Implementing MaineCare Rules"
H.P. 643 L.D. 940

Resolve, To Assist Families with Substance Abuse Issues
H.P. 644 L.D. 941

Resolve, Requiring Rulemaking by the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus
H.P. 662 L.D. 960

Bill "An Act To Amend the Laws Governing the Maine Children's Growth Council" (EMERGENCY)
H.P. 671 L.D. 969

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

Bill "An Act To Allow Hunting on Sundays on Certain Land"
H.P. 645 L.D. 942

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions"
H.P. 635 L.D. 917

Bill "An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information"
H.P. 672 L.D. 970

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 Increase the Evidentiary Standard Required To Establish a Guardianship"

H.P. 647 L.D. 944

Bill "An Act To Protect the Rights of Siblings Separated by Adoption"

H.P. 648 L.D. 945

Bill "An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program"

H.P. 650 L.D. 947

Bill "An Act To Amend the Maine Condominium Act Regarding Liens"

H.P. 663 L.D. 961

Bill "An Act To Protect Family Caregivers"

H.P. 664 L.D. 962

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation"

H.P. 649 L.D. 946

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce Lung Cancer Rates in Maine"

H.P. 646 L.D. 943

Bill "An Act To Reduce the Cost of the Maine Clean Election Act"

H.P. 651 L.D. 948

Bill "An Act To Reduce the Number of Qualifying Contributions Required for Special Elections under the Maine Clean Election Act"

H.P. 652 L.D. 949

Bill "An Act To Amend the Laws Governing Liquor Liability and Licensing"

H.P. 673 L.D. 971

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 Provide for the Safe Collection and Recycling of Mercury-containing Lighting"

H.P. 675 L.D. 973

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Constitutional Protection to the Funds Generated by the Regional Greenhouse Gas Initiative

H.P. 658 L.D. 956

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

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

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 Informed Growth Act To Provide a Local Management Option"

H.P. 636 L.D. 918

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program"

H.P. 637 L.D. 919

Bill "An Act To Amend the Maine Estate Tax"

H.P. 653 L.D. 950

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 Reduce Noise Pollution"

H.P. 638 L.D. 920

Bill "An Act To Prioritize Funding in the TransCap Trust Fund" (EMERGENCY)

H.P. 654 L.D. 951

Bill "An Act To Authorize Issuance of Permanent Disability Plates and Placards"

H.P. 655 L.D. 952

Bill "An Act To Implement the Recommendations of the Governor's Interagency Transportation Coordinating Committee" H.P. 669 L.D. 967

Come from the House, **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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Charter of the Winterport Water District" (EMERGENCY)

H.P. 656 L.D. 953

Bill "An Act To Clarify the Role of the Public Advocate"

H.P. 657 L.D. 954

Bill "An Act Regarding New Utility Line Extension Construction" H.P. 670 L.D. 968

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

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

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

PAPERS FROM THE HOUSE

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

The **Department of Agriculture, Food and Rural Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY)

H.P. 674 L.D. 972

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 676

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

March 4, 2009

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

Dear Clerk MacFarland:

Enclosed please find my official certification to the 124th Legislature of the citizen initiative petition entitled "An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency."

Sincerely,

S/Matthew Dunlap
Secretary of State

State of Maine
Department of State

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing signatures of 58,002 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on November 3, 2008, requesting that the Legislature consider an act entitled, "An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 55,087.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fourth day of March in the year two thousand and nine.

S/Matthew Dunlap
Secretary of State

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

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Decrease the Automobile Excise Tax and Promote Energy Efficiency"

I.B. 1 L.D. 974

Comes from the House, **REFERRED** to the Committee on **TAXATION**.

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:

COMMUNICATIONS

The Following Communication: H.P. 677

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

March 4, 2009

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

Dear Clerk MacFarland:

Enclosed please find my official certification to the 124th Legislature of the citizen initiative petition entitled "An Act to Establish the Maine Medical Marijuana Act."

Sincerely,

S/Matthew Dunlap
Secretary of State

State of Maine
Department of State

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing signatures of 55,408 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 21, 2009, requesting that the Legislature consider an act entitled, "An Act to Establish the Maine Medical Marijuana Act."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 55,087.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fourth day of March in the year two thousand and nine.

S/Matthew Dunlap
Secretary of State

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

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Establish the Maine Medical Marijuana Act"
I.B. 2 L.D. 975

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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:

COMMUNICATIONS

The Following Communication: H.P. 678

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

March 4, 2009

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

Dear Clerk MacFarland:

Enclosed please find my official certification to the 124th Legislature of the citizen initiative petition entitled "An Act to Provide Tax Relief."

Sincerely,

S/Matthew Dunlap
Secretary of State

State of Maine
Department of State

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing signatures of 56,546 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on November 3, 2008, requesting that the Legislature consider an act entitled, "An Act to Provide Tax Relief."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 55,087.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fourth day of March in the year two thousand and nine.

S/Matthew Dunlap
Secretary of State

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

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Provide Tax Relief"
I.B. 3 L.D. 976

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

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:

COMMUNICATIONS

The Following Communication: H.P. 679

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

March 4, 2009

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

Dear Clerk MacFarland:

Enclosed please find my official certification to the 124th Legislature of the citizen initiative petition entitled, "An Act to Repeal the School District Consolidation Laws."

Sincerely,

S/Matthew Dunlap
Secretary of State

State of Maine
Department of State

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing signatures of 58,193 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on October 17, 2008, requesting that the Legislature consider an act entitled, "An Act to Repeal the School District Consolidation Laws."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 55,087.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fourth day of March in the year two thousand and nine.

S/Matthew Dunlap
Secretary of State

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

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Repeal the School District Consolidation Laws"
I.B. 4 L.D. 977

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Off Record Remarks

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

Senator **RAYE** of Washington 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.

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

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Thursday, March 12, 2009, at 10:00 in the morning.