

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature
State of Maine

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First Regular Session
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Pages 1 - 1159

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

In Senate Chamber
Thursday
March 26, 2009

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

Prayer by Reverend Elizabeth J. Bachelder Smith, Highland
Avenue United Methodist Church of Gardiner.

REVEREND BACHELDER-SMITH: Please join me in the spirit of prayer. Gracious God of all who believe in Your goodness and love, You celebrate with us the gift of each new day. We acknowledge Your presence with us here in this chamber and ask that, in Your mercy, You would guide and uphold the members of the Senate as they deliberate on behalf of the men, women, and children of Maine today. We acknowledge the difficult economic times before us, Holy God, but we know that together, as Mainers, we might rise to the challenge with ingenuity and determination fostered by Your spirit. We look to our Senators to lead us, oh God. We pray that their hearts may be full of wisdom and courage as they confront the challenges and grasp the opportunities of these days. Even as we pray for one another gathered here today, we remember as well President Obama and his administration; our Governor, John E. Baldacci; the members of the Maine House of Representatives; and especially those whom we serve, the people of the state of Maine. May Your rich blessings continue to be upon us as we pray in Your holy name. Amen.

Reading of the Journal of Wednesday, March 25, 2009.

Doctor of the day, Dr. Lisa Ryan, DO of Naples.

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. 448

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, March 31, 2009 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Establish the Maine Commission on Indigent Legal
Services" (EMERGENCY)

S.P. 423 L.D. 1132

In Senate, March 25, 2009, **REFERRED** to the Committee on
STATE AND LOCAL GOVERNMENT and ordered printed.

Comes from the House, **REFERRED** to the Committee on
JUDICIARY and ordered printed, in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act To Exempt Private Nonmedical Institutions from the
Service Provider Tax"

H.P. 768 L.D. 1113

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

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

Senator **BRANNIGAN** of Cumberland moved to **REFER** to the
Committee on **HEALTH AND HUMAN SERVICES**, in
concurrence.

On motion by Senator **COURTNEY** of York, **TABLED** until Later
in Today's Session, pending the motion by Senator **BRANNIGAN**
of Cumberland to **REFER** to the Committee on **HEALTH AND**
HUMAN SERVICES, in concurrence.

Bill "An Act To Protect Tenants during Foreclosure"

H.P. 788 L.D. 1144

Committee on **LEGAL AND VETERANS AFFAIRS** suggested
and ordered printed.

Comes from the House, **REFERRED** to the Committee on
INSURANCE AND FINANCIAL SERVICES.

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

Joint Resolution

The following Joint Resolution:

H.P. 825

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO SUPPORT THE WAIVER CALIFORNIA NEEDS TO ACHIEVE GREENHOUSE GAS REDUCTIONS

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the members of the United States Congress and the United States Environmental Protection Agency, as follows:

WHEREAS, the State of California has implemented more stringent motor vehicle air emissions regulations than the Federal Government for over 40 years; and

WHEREAS, in recognition of the pioneering role of that state in protecting public health and welfare from motor vehicle emissions, the United States Congress amended the federal Clean Air Act to allow the Administrator of the United States Environmental Protection Agency to waive federal preemption of state motor vehicle standards; and

WHEREAS, once a waiver is granted to California for that regulation, other states may adopt the vehicle emissions standards established by California; and

WHEREAS, according to the Congressional Research Service, California has requested waivers of preemption for vehicle emissions standards more than 50 times since that provision was enacted and the Administrator has never denied such a request, but has always granted the request, in whole or in part; and

WHEREAS, President Barack H. Obama has directed the administrator to reconsider California's waiver request that was rejected by the previous administration, and the administrator has started the process to reconsider California's request; and

WHEREAS, an analysis by the California Air Resources Board shows that the California standards, once fully adopted, would result in twice the amount of carbon dioxide cumulative reduction emissions in California and an 80% greater reduction in carbon dioxide emissions nationally by 2020 than would be achieved under the federal act; and

WHEREAS, 13 states and the District of Columbia have already taken steps to follow California's emissions standards, which include the new greenhouse gas reductions and which are estimated will reduce global warming pollution by more than 450 million metric tons by 2020, a reduction equivalent to eliminating all of the pollution from 84.7 million of today's cars for a year; and

WHEREAS, the State of Maine supports California's right under the Clean Air Act to set stricter standards than the Federal Government for motor vehicle emissions and the rights of other states to then follow California's standards; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to oppose preemption of state laws and regulations to reduce global warming emissions that are stronger than federal laws or regulations, and we respectfully urge and request that the President of the United States and the United States Congress encourage the United States Environmental Protection Agency to grant California the waiver necessary to achieve greenhouse gas reductions from motor vehicles as required by state law; and be it further;

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Environmental Protection Agency and to each member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 148

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

March 20, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 68 | An Act Regarding the Composition of the Board of Pesticides Control |
| L.D. 354 | An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway |

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 149

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

March 20, 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 bills out "Ought Not to Pass":

- L.D. 366 An Act To Protect Confidential Consumer Records in Self-service Storage Facilities
- L.D. 622 An Act To Promote the Accessibility and Use of Reusable Bags

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

The Following Communication: S.C. 161

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

March 24, 2009

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State Legislature
State House
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 Rep. Sirois of Turner, to report the following bill Leave to Withdraw:

- L.D. 1048 An Act To Increase the Amount of the Deposit on Returnable Beverage Containers

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. 150

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

March 24, 2009

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State Legislature
State House
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 Rep. Pieh of Bremen, to report the following bill Leave to Withdraw:

- L.D. 569 An Act Concerning the Maine School of Science and Mathematics

Sincerely,

S/Sen. Justin L. Alford
Senate Chair

S/Rep. Patricia B. Sutherland
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 156

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

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

L.D. 678 An Act To Provide Middle School Students with Access to Innovative Science Education

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

Sincerely,

S/Sen. Justin L. Alford
Senate Chair

S/Rep. Patricia B. Sutherland
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 157

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

March 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 405 An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program

L.D. 563 An Act To Pay a State Share into the HealthInfoNet System

L.D. 809 An Act To Preserve the Viability of Services to Maine's Citizens with Mental Retardation (EMERGENCY)

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 158

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

March 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 578 An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions

L.D. 579 An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System

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

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

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

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

L.D. 780 An Act To Increase the Amount and Number of Qualifying Contributions under the Maine Clean Election Act

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. 159

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

March 23, 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. 328 An Act To Require Economic Research Organizations To Report Financial Matters to the Commission on Governmental Ethics and Election Practices
- L.D. 530 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Number of Signatures Required and Prohibit Payment for Signatures in the Citizen's Initiative Process
- L.D. 547 An Act To Amend the Laws Concerning Write-in Candidates for Elected Office To Increase Fairness
- L.D. 584 An Act To Amend the Maine Clean Election Act To Equalize the Qualifying Period for All Candidates and To Increase the Number of Required Contributions for Candidates to the Legislature

The Following Communication: S.C. 151

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

March 20, 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 bills out "Ought Not to Pass":

- L.D. 199 An Act To Facilitate Wind Power Siting
- L.D. 515 An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases
- L.D. 646 An Act To Improve the Water Quality of Maine's Rivers
- L.D. 746 An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources

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

The Following Communication: S.C. 152

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

March 23, 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. 207 An Act Concerning Regulation of Borrow Pit Excavations

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.**

The Following Communication: S.C. 160

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

March 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 665 An Act To Enhance Safety on Maine's Bridges

L.D. 706 An Act To Impose a Maximum Speed Limit of 45 Miles Per Hour on Roads on Which a School Bus Stop Is Located

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

The Following Communication: S.C. 153

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

March 18, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 55 An Act To Prohibit the Commercial Sale of Water by a Water District

L.D. 651 An Act To Amend the Wind Energy Rebate Program Eligibility Requirements

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Jon Hinck
House Chair

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

The Following Communication: S.C. 154

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

March 20, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 43 An Act To Promote Consumer Fairness in Alternative Energy
- L.D. 596 An Act To Allow Electricity Customers Who Operate Generating Facilities To Be Paid in Cash for Excess Net Energy Produced

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Jon Hinck
House Chair

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

SENATE PAPERS

Bill "An Act To Remove the Local Requirement for Education Funding"

S.P. 454 L.D. 1221

Presented by Senator COURTNEY of York.

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 Strengthen the Kinship Preference in Child Welfare Residential Placement"

S.P. 449 L.D. 1216

Presented by Senator PERRY of Penobscot.

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

Sent down for concurrence.

Bill "An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System"

S.P. 452 L.D. 1219

Presented by Senator DAVIS of Cumberland.
Cosponsored by Representative HOGAN of Old Orchard Beach and Representatives: BURNS of Whiting, EDGECOMB of Caribou, HANLEY of Gardiner, LAJOIE of Lewiston, PLUMMER of Windham, SAVIELLO of Wilton, WHEELER of Kittery.

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

Sent down for concurrence.

Bill "An Act To Promote Geothermal Energy in the State"

S.P. 455 L.D. 1222

Presented by Senator DIAMOND of Cumberland.

Joint Select Committee on **MAINE'S ENERGY FUTURE** suggested and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY.**

Sent down for concurrence.

Bill "An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms"

S.P. 451 L.D. 1218

Presented by Senator NASS of York.
Cosponsored by Representative: CHASE of Wells.

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 Create Incentives for the Consolidation of Municipal Services"

S.P. 453 L.D. 1220

Presented by Senator MILLS of Somerset.

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 Provide an Income Tax Credit for Property Tax Relief"

S.P. 450 L.D. 1217

Presented by Senator BARTLETT of Cumberland.

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

Sent down for concurrence.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Major John C. Fetterman, of Manchester, Deputy Chief of the Bureau of Marine Patrol, on the completion of his tenure as the President of the National Association of State Boating Law Administrators from September 10, 2007 through September 10, 2008. Throughout Major Fetterman's term, he has significantly streamlined the committee process of the association. His strong and fair-minded leadership in reaching out to his counterparts in the Association of Fish and Wildlife Agencies was a significant contributor to the resulting consensus agreement that will guide the reauthorization of the Sport Fish Restoration and Boating Trust Fund through the 111th Congress. Given his more than 30 years of experience with the Maine Marine Patrol, Major Fetterman has cultivated strong personal and professional relationships with key U.S. Coast Guard officials which have borne significant results for the association, elevating its credibility

and national partnership status with the Coast Guard. He has forged important new relationships with agencies and organizations such as the Federal Emergency Management Agency and the National Center for Maritime and Port Security. He has been an exemplary leader, not only for the association but for the entire recreational boating community as well. We commend and thank Major Fetterman for his exemplary and valuable service to the NASBLA and to the State;
SLS 103

Sponsored by Senator DAMON of Hancock.
Cosponsored by Senators: McCORMICK of Kennebec, RECTOR of Knox, SULLIVAN of York, Representatives: ADAMS of Portland, EATON of Sullivan, JONES of Mount Vernon, KRUGER of Thomaston, MacDONALD of Boothbay, McKANE of Newcastle, PENDLETON of Scarborough, PERCY of Phippsburg, PRESCOTT of Topsham, TILTON of Harrington, WEAVER of York.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'm sure that members of the Senate who are members of committees of jurisdiction such as the Criminal Justice and Inland Fisheries and Wildlife will join with me in acknowledging how important it is to have law enforcement officials in those areas working with us and for us in the state of Maine. Today we are honoring one of those individuals, a person who has devoted their professional life to protection of people and resources in the state of Maine and beyond that has stepped on to the national stage to lend the influence and the leadership that he is so capable of affording to all of America in trying to develop policies which will save lives before the accident happens, prevent the accident. We are truly fortunate to have men and women of the caliber of Major Fetterman throughout our enforcement communities, whether they be in State Police, Marine Patrol, or IF&W wardens. It gives me great pleasure to be able to acknowledge Mr. Fetterman as the person representing all of those enforcement people and give him the due that he deserves on this occasion. Thank you, ladies and gentlemen. Thank you, Madame President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Major John C. Fetterman. Would he please step forward and accept the greetings of the Maine Senate.

Joint Resolution

On motion by Senator **MARRACHÉ** of Kennebec (Cosponsored by Representatives: BECK of Waterville, TRINWARD of Waterville), the following Joint Resolution:
S.P. 447

**JOINT RESOLUTION RECOGNIZING MARCH 26, 2009 AS
MEDICAL BILLERS DAY**

WHEREAS, medical billers provide a much-needed service to doctors and other health care providers and provide a vital segment of the health care industry; and

WHEREAS, increasingly, health care providers rely on billing companies to assist them in processing claims in accordance with applicable statutes and regulations, and health care providers consult with billing companies for advice regarding reimbursement matters, as well as overall business decision-making; and

WHEREAS, medical billers strive to provide a high level of ethical and lawful conduct throughout the entire health care industry; and

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure that claims are accurately prepared and free physicians and other practitioners to devote their energies to the care of their patients; and

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner and should be recognized for their efforts and their loyalty to the medical billing profession; and

WHEREAS, March 26, 2009 is being recognized as National Medical Billers Day across the nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that Thursday, March 26, 2009 is National Medical Billers Day.

READ and ADOPTED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **NATURAL RESOURCES** on Bill "An Act Regarding the Maximum Fee for Processing an Environmental License Application" (EMERGENCY)

H.P. 778 L.D. 1134

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**, pursuant to Public Law 2007, chapter 655, section 20.

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

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

REFERRED to the Committee on **NATURAL RESOURCES**, in concurrence.

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee" H.P. 823 L.D. 1199

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**. Report **READ** and **ACCEPTED**, in concurrence.

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

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Pertaining to the Quality Child Care Education Scholarship Fund" (EMERGENCY)

H.P. 76 L.D. 92

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 **TRANSPORTATION** on Bill "An Act To Update the Casco Bay Island Transit District Enabling Law" H.P. 358 L.D. 513

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

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States"

S.P. 248 L.D. 673

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on 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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Instruction Permit Process"

S.P. 16 L.D. 7

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-7)**.

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

READ ONCE.

Committee Amendment "A" (S-7) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Create the Support Animal Welfare Registration Plate"

S.P. 64 L.D. 178

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-8)**.

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

READ ONCE.

Committee Amendment "A" (S-8) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Extend the Exception to Axle Fines during the Midwinter Season" (EMERGENCY)

S.P. 81 L.D. 240

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-10)**.

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

READ ONCE.

Committee Amendment "A" (S-10) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General

S.P. 219 L.D. 604

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

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:

BOLAND of Sanford
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-13)**.

Signed:

Senator:
COURTNEY of York

Representatives:
COTTA of China
CLARK of Easton

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senator **RAYE** of Washington requested a Roll Call.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, this is the bill I brought before State and Local Government and I can count and I know that's how the vote will go but I do want my comments to be on the record. We are the only state that elects the Attorney General in this manner and in the last go round not one person from outside of the legislative hall applied for this honor and this position. We've had an incredible amount of attorneys who reach the federal bench, become U.S. Senators, and yet this seems to be one of the most closed application processes in the legal community. The interesting part of this is 43 other states recognize that the Attorney General's Office is a policy making office and that the people running for the position should be putting themselves up before the voters because when you are going to make public policies the public should know how you think and what you believe because what happens in the Attorney General's Office affects every one of us in the state of Maine. The Attorney General appoints an Assistant Attorney General to every office in the Executive Branch. Whether you are talking about harness racing, child protective services, professional regulation, or electricity, there is an Assistant Attorney General assigned and the Assistant Attorney General helps make public policy but the Attorney General has often, and will continue, to propose public policy and carry out public policy outside of this Body. I don't think that can even be questioned. The fact is, if it's going to be a public policy making position, from our selectmen to our Governor, when someone wants to put forth public policy they should have to put themselves before the public first. That's why I brought this forward and I would appreciate it if you would vote against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Simpson.

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, I'm sorry I have to rise in opposition to my good friend from Penobscot County. Here in the state of Maine we've been very successful with our Clean Election system and

most of us here in this Body run on it. If we are going to add another statewide election, I would assume we would want to keep the money out of this very important race and add it to the Clean Election system. We really don't have the money for that so I would be hoping that you would join me to support the Majority Report. Thank you.

On motion by Senator **RAYE** of Washington, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Simpson to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#25)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, HOBBS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **SIMPSON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State
S.P. 220 L.D. 605

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

Signed:

Senators:
SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:

BOLAND of Sanford
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-12)**.

Signed:

Senator:

COURTNEY of York

Representatives:

COTTA of China
CLARK of Easton

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **RAYE** of Washington, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#26)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SIMPSON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Modify the Laws Regarding Seat Belts"
S.P. 71 L.D. 221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-9)**.

Signed:

Senator:

DAMON of Hancock

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
HARLOW of Portland
CAREY of Lewiston
BROWNE of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach
THERIAULT of Madawaska
CEBRA of Naples
ROSEN of Bucksport

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-9) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I wish to rise and speak in opposition. It's dangerous driving on Maine roads and the use of seatbelts does save lives. This amendment says frequent, and I underline the word frequent, entry and exit from a vehicle to be exempt. That's in the amendment. Frequent is not defined so the whole intent of the bill, with the amendment, is compromised. I urge voting no on this particular legislation.

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

Senator **PLOWMAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Is this a limited occupational kind of idea or while I'm out campaigning, going door to door, frequently getting in and out of my car, does

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. To the question posed, the amendment to the current law which requires the use of seatbelts is that a newspaper delivery person is not required to be secured in a seatbelt while engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle. To the question that was posed, if the good Senator is employed as a newspaper delivery person while engaged in a campaign it would pertain to her, otherwise it would not.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, indeed this was put in at the request of newspaper carriers, rural carriers, and it follows the exact federal regulations that exempt mail carriers in the rural routes. Some try to lean over and drive this way and the belts don't allow them to do that. It just gets to be a mess. This is the exact same regulation that the National Board of Transportation and Safety has okayed. It is a very limited piece. If you do it in pairs, it is the person who is actually getting in and out of the car, van, or whatever, and not the person that is just driving. That person would have to stay belted up as law. It is the exact same law as the federal regulations for mail carriers. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I'm only standing because I want to go on record as being in opposition to the lack of choice we have in wearing our seatbelts or no. I think the Senator from Penobscot, Senator Plowman, brings up an issue I actually brought up just moments ago about others. What about milk delivery? What about all kinds of things? I don't think we should be penalized for not choosing to wear our seatbelts in cases like that. Whether it is campaigning, milk delivery, or newspaper delivery, I'm against the seatbelt law eliminating our choice to wear or not wear our seatbelt. Thank you.

The Chair ordered a Division. 28 Senators having voted in the affirmative and 5 Senators having voted in the negative, Committee Amendment "A" (S-9) **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase the Safety of Automobile Drivers"
S.P. 120 L.D. 356

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

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
THERIAULT of Madawaska
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 as Amended by Committee Amendment "A" (S-11)**.

Signed:

Representatives:

HOGAN of Old Orchard Beach
PEOPLES of Westbrook
HARLOW of Portland

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act To Correct the Law Concerning Private Investigators' License Qualifications"

H.P. 104 L.D. 122

Bill "An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District" (EMERGENCY)

H.P. 340 L.D. 452

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

Bill "An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession"

H.P. 135 L.D. 156

READ A SECOND TIME.

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

Senate

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

Bill "An Act To Enable the Maine Employers' Mutual Insurance Company To Better Serve the Needs of All Employers"
S.P. 221 L.D. 606

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings"

S.P. 38 L.D. 89
(C "A" S-6)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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 (3/25/09) Assigned matter:

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Resolve, To Evaluate Climate Change Adaptation Options for the State

S.P. 163 L.D. 460

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 25, 2009, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 25, 2009, Reports **READ**.)

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

Senator **SMITH** of Piscataquis requested a Division.

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

Senator **SMITH:** Thank you, Madame President. I just wanted to make a few comments about this divided report. First thing I want to say is that I do not object to a stakeholder group to evaluate climate change adaptation options. I do find this resolve objectionable on larger grounds. First of all, let me say that when regulatory agencies seek legislative approval for stakeholder groups I think the legislature ought to look at it. Regulatory agencies are a good deal like courts or judges or police officers who go about soliciting for whatever their favorite cause is at the moment. Regulatory agencies that solicit anything from the regulated community, I think, has to be very careful. Last year there was a similar resolve coming from DEP, the regulatory agency in question here, seeking legislative approval to go talk to the regulated community about fees, fee increases, to run that department. At that time I had objection to that and basically said to the department, 'I have no objection to the stakeholder group, I just have objection to you seeking preapproval of it from the legislature'. I think the legislature ought to hold its neutral ground in these matters because many of these stakeholder group initiatives result in legislation or other actions that may be required by the whole legislature. I think that in some of these instances where stakeholder groups where approval is sought by the regulatory agencies they know that it is a controversial area and they are seeking legislative buy-in before, in my view, it's appropriate. It is on that first ground that I have found this resolve objectionable.

The second thing that is objectionable about this resolve is that it authorizes the regulatory agency to fundraise, to publish its report, and to otherwise carry on the stakeholder group and pay for its expenses. Again, I think this is an unseemly thing. There are many areas of governmental activity that we prohibit fundraising because it creates an undue influence or possible conflict kind of a situation. Certainly we don't allow judges to go fundraising for their favorite cause. We do not allow police officers, in many instances, to go fundraising for their favorite cause. Here we are allowing an agency to fundraise, to do what is otherwise a public function. If it were not for the fact that it was a regulatory agency, I wouldn't have such strong objection to this. I'm not concluding that this department is going to act improperly, but I think there is a fine line here between what is ethical and what is not. We are very close to it and I think it's just best if the legislature not approve these kinds of resolves for stakeholder groups coming from regulatory agencies. The regulatory agencies have perfect authority, they have complete authority, to

go and pull in stakeholder groups, and in fact they do. There are a number of stakeholder groups, I believe, going on right now that the DEP is involved with. I applaud that, but I just have a feeling in my gut that eventually an abuse is going to occur here where a regulatory agency steps over the line, either in fundraising or in the way in which it invites in stakeholders to a legislatively approved regulatory agency stakeholder initiative. It is on that basis that I have objective to this. I was hoping that we would somehow find a way not to carry on this discussion on the record, but I think it's important to bring this out. I come from a profession where ethics are very important. Many of us have spent years trying not to get close to these kinds of lines. I'm probably more sensitive to it than many. Today, although I approve of the underlying substance and the work of the stakeholder group, I think there is a different way of approaching it, a better way of approaching it, one that does not raise these issues, and I would hope therefore that you will vote against the pending motion so that we can get this stakeholder group set up properly. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today to discuss and debate the good Senator's comments that we just heard. This report means that climate future is very important. The Governor brought together a great team of experts to the University of Maine and the Senator from Androscoggin, Senator Simpson, sponsored the resolve. We must go forward. I agree, as the good Senator stated, that the underlying cause of the stakeholder group is one that needs to be done but we cannot be distracted. None of these issues were brought up at committee. Everyone spoke in support of the resolve. There were no questions asked on this topic during committee. I feel that currently, even though I understand the good Senator's comments and his arguments, that DEP already accepts fees. They accept fees from developers who submit projects to be permitted and there have been no issues of any improprieties. In addition to that, this stakeholder group, yes it will be funded potentially by a diverse set of stakeholders, stakeholders that go across all parts of the state, all four corners, industry, small businesses, advocates, and environmental organizations. The Chamber of Commerce is potentially, as is the Maine Municipal Association, and the list goes on. The will not be enacting legislation. They will merely be preparing a plan, sending recommendations to us, for us to debate, and for us to act on. That will be left to the legislature and I would strongly encourage all the members to vote in support of the Majority Report. Thank you, Madame President.

On motion by Senator **BARTLETT** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS** Report. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (3/25/09) Assigned matter:

Bill "An Act To Encourage Renewable Energy Investment"
H.P. 660 L.D. 958

Tabled - March 25, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

(In House, March 10, 2009, **REFERRED** to the Committee on **TAXATION**.)

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

The Chair laid before the Senate the following Tabled and Later (3/25/09) Assigned matter:

Bill "An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events"
H.P. 751 L.D. 1089

Tabled - March 25, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

(In House, March 25, 2009, **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.

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/25/09) Assigned matter:

Bill "An Act To Ensure Royalties to Visual Artists"
S.P. 444 L.D. 1196

Tabled - March 25, 2009, by Senator **ALFOND** of Cumberland

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/25/09) Assigned matter:

Bill "An Act To Allow Noncitizen Residents To Vote in Municipal Elections"

S.P. 443 L.D. 1195

Tabled - March 25, 2009, by Senator **SULLIVAN** of York

Pending - **REFERENCE**

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.)

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

Sent down for 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 Establish a Farmer's Rights in an Investigation of Intellectual Property Theft of Genetically Engineered Material"
H.P. 827 L.D. 1202

Comes 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 Paper

Bill "An Act To Allow Pharmacists To Administer Certain Immunizations"

H.P. 843 L.D. 1223

Comes 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 Regarding the Operation of County Jails and the State Board of Corrections"

H.P. 844 L.D. 1224

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 **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 Papers

Bill "An Act To Allow Certain School Units To Reorganize without Meeting Minimum Student Population Requirements without Being Penalized" (EMERGENCY)

H.P. 828 L.D. 1203

Bill "An Act To Amend the School Funding Formula Regarding School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation" (EMERGENCY)

H.P. 845 L.D. 1225

Bill "An Act To Eliminate the Opt-out Penalty for Consolidation of Schools if a School Administrative Unit Forms an Alternative Organizational Structure" (EMERGENCY)

H.P. 846 L.D. 1226

Bill "An Act To Equalize the Regional Salary Cost Index under the School Funding Formula"

H.P. 847 L.D. 1227

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 Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County (EMERGENCY)

H.P. 848 L.D. 1228

Resolve, Directing the Department of Health and Human Services To Extend MaineCare Dental and Oral Health Services

H.P. 849 L.D. 1229

Bill "An Act To Prohibit the Delivery of Tobacco Products to Consumers To Prevent the Sale of Tobacco Products to Minors"

H.P. 850 L.D. 1230

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 Increase Youth Boating Safety"

H.P. 829 L.D. 1204

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 **STATE AND LOCAL GOVERNMENT**, 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

Bill "An Act To Establish a Health Care Bill of Rights"

H.P. 830 L.D. 1205

Bill "An Act To Fund the Dirigo Health Program through a High-risk Pool"

H.P. 831 L.D. 1206

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 Base the Value of Eminent Domain Takings on Going Concern Value"

H.P. 832 L.D. 1207

Bill "An Act To Encourage Transparency in the Oversight of Interscholastic Activities"

H.P. 833 L.D. 1208

Bill "An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment"

H.P. 834 L.D. 1209

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 Pertaining to Volunteer Lobbyists for Nonprofit Organizations"

H.P. 835 L.D. 1210

Comes 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 Amend the Marine Resources Suspension Laws"
H.P. 836 L.D. 1211

Bill "An Act To Protect the Long-term Viability of Island Lobster Fishing Communities"

H.P. 851 L.D. 1231

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE 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 Clarify the Role of Public Comment in the Agency Decision-making Process"

H.P. 837 L.D. 1212

Resolve, Establishing a Committee To Study the Legislative Confirmation Process

H.P. 852 L.D. 1232

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 Amend the Homestead Exemption for Certain Veterans To Include Certain Military Personnel Stationed at Guantanamo Bay"

H.P. 838 L.D. 1213

Bill "An Act To Amend the Laws Regarding the Taxation of Private and Public Pensions"

H.P. 839 L.D. 1214

Bill "An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit" (EMERGENCY)

H.P. 840 L.D. 1215

Bill "An Act To Provide Property Tax Relief to Senior Citizens"
H.P. 853 L.D. 1233

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 Paper

Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"
H.P. 854 L.D. 1234

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 Paper

Bill "An Act Regarding Energy Independence" (EMERGENCY)
H.P. 826 L.D. 1201

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.

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

PAPERS FROM THE HOUSE

**Pursuant to Resolve
Maine State Housing Authority**

The **Maine State Housing Authority**, pursuant to Resolve, chapter 1, section 2, subsection 2 asked leave to report that the accompanying Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds (EMERGENCY)

H.P. 856 L.D. 1236

Be **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed pursuant to Joint Rule 218, 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 Audit**

The **Department of Audit**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2009-10" (EMERGENCY)

H.P. 855 L.D. 1235

Be **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 841

**JOINT RESOLUTION TO HONOR THE DAYS OF
REMEMBRANCE**

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945, by means of concentration camps, extermination camps, ghettos, firing squads and starvation and using every arm of the Nazi bureaucracy; and

WHEREAS, although Jews were the primary victims, with 6,000,000 murdered, millions more people, including Romani people and Poles, as well as people with handicaps who did not measure up to Aryan perfection, were also targeted for destruction or decimation for racial, ethnic or national reasons; and

WHEREAS, many specific groups, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments whether at peace or at war; and

WHEREAS, the people of the State should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution and tyranny so that such horrors are never repeated; and

WHEREAS, the people of the State should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the State to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress, the United States Holocaust Memorial Council is responsible to designate the Days of Remembrance of the victims of the Holocaust, and this year's commemoration is April 19, 2009 to April 26, 2009, including the Day of Remembrance, known as Yom Hashoah, on April 21, 2009; and

WHEREAS, it is appropriate for the people of the State to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 842

ORDERED, the Senate concurring, that the Commission to Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation is established as follows.

1. Commission to Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation established. The Commission to Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation, referred to in this order as "the commission," is established.

2. Membership. The commission consists of 11 members, appointed as follows:

A. Five members appointed by the President of the Senate as follows:

(1) Two Senators;

(2) One member who has expertise in financial matters;

(3) One member who is a teacher from a rural school district; and

(4) One member who is an administrator from a large school district; and

B. Six members appointed by the Speaker of the House as follows:

(1) Four members of the House of Representatives, one of whom was a teacher from a large school district within the past 4 years;

(2) One member from the Department of Education; and

(3) One member who is an administrator from a rural school district.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall study how the new system of school administrative consolidation is creating extra administrative burdens that can be alleviated with careful review in both rural and large school districts. The study must focus on reducing extraneous, unnecessary and duplicative regulations and paperwork and ascertain ways to alleviate any extra burdens in school administration.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 2, 2009, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 124th Legislature. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Education and Cultural Affairs may, pursuant to Joint Rule 353, introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

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

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Resolve, To Evaluate Climate Change Adaptation Options for the State

S.P. 163 L.D. 460

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 26, 2009, by Senator **RAYE** of Washington

Pending - motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS** Report (Roll Call Ordered)

(In Senate, March 25, 2009, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#27)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, HASTINGS, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, RAYE, RECTOR, ROSEN, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: GOOLEY, MCCORMICK, NASS, PLOWMAN, SHERMAN, SMITH, WESTON

ABSENT: Senator: MILLS

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

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

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

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

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 31, 2009, at 10:00 in the morning.