

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
December 3, 2008 to June 12, 2009

Pages 1 - 1159

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

In Senate Chamber
Thursday
April 2, 2009

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

Prayer by Reverend Kathi Smith, Bread of Life Ministries of
Augusta.

REVEREND SMITH: Will you pray with me. Creator God, we
come before You this spring day, perhaps impatient for the signs
of new growth that we know are there beneath the remaining
snow. Our impatience is not just limited to our desire for warmer
days, open lakes, and blooming plants. We long for good news in
so many areas of our lives. Where we used to long for good and
just jobs and fair pay we now long for any jobs; for families who
are no longer receiving pink slips and eviction notices. We long
for cooperation, not just within government and politics, but
across economic and cultural, social, ethnic, and religious sectors
of our society as well. Help us, God, to be patient. Just as You
bless us with the beauty of spring after a long winter, bless us
with the spirit of cooperation, with humility, and with compassion
to care for one another, for our state, and our world. Bless these
leaders gathered here. Grant them wisdom and strength and
compassion in all that they do. At the end of the day, grant them
the peace that comes from knowing that their efforts have been
good and true and just. Amen.

Reading of the Journal of Tuesday, March 31, 2009.

Doctor of the day, Dr. William Atlee, MD of Augusta.

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. 485

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, April 7, 2009 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: We come to an extraordinarily important part
of a Senate opportunity. You have all done great work, working
with staff and colleagues from the other end of the hall to create a
scholarship fund for outstanding Maine students. Some of them
have been able to join us today. Others have not but we are
equally proud of them all. Those that are here today we would
like to recognize this morning, not only officially and to
congratulate them, but also with a check to help them pay their
tuition, which is what this is all about. How proud we are of all of
you. We'd like to have a brief ceremony here, using the students
and the Senators from their hometowns to escort them to the
front. Would the student stand at the rear with the Sergeant at
Arms and the Senator who represents the student.

From Androscoggin County we have Renee Dufresne-Dixon,
who is currently attending Husson College. Renee is
accompanied by her mother, Carmen Dufresne, and her father,
Michael Dixon. She will be escorted to the front by Senator
Deborah Simpson of Androscoggin County. From Franklin
County is Anna LeBlanc, who attends Husson College. She is
accompanied by her parents, Paul and Bonnie LeBlanc, and her
grandparents, Raymond and Louise LeBlanc, and is escorted by
both Senator Bruce Bryant of Oxford and Senator Walter Gooley
of Franklin County. From Kennebec County we have Samuel
Mullen, who is currently attending the University of Maine at
Farmington. He is accompanied by his mother, Pat O'Brien, and
is escorted by Senator Senator Lisa Marraché of Kennebec
County. From Penobscot County is Jennifer Chaloult, who is
attending the University of Maine at Orono. She is accompanied
by her mother, Virginia Page, and her father, Thomas Chaloult,
and is escorted by Senator Joseph Perry of Penobscot County.
From Somerset County we have Jessica Beaudoin, who is a
student at Thomas College. Jessica is accompanied by her
mother, Pauline Beaudoin, and is escorted by Senator Peter Mills
of Somerset County. From Waldo County is Rachel Larrabee,
who is a student at Thomas College and is escorted by Senator
Carol Weston of Waldo County. From Washington County we
have Royann Lozier, who attends Washington County Community
College. She is escorted by Senator Kevin Raye of Washington
County.

What a tribute to Maine young people and to the huge
bipartisan effort and the dedication to helping our people get
higher education. Would you all please stand and congratulate,
yet again, these students.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase Access to Nutrition Information"
H.P. 878 L.D. 1259

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

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

Bill "An Act To Enact the Uniform Debt Management Services Act"

H.P. 895 L.D. 1289

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

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

The following Joint Resolution:

H.P. 924

JOINT RESOLUTION MEMORIALIZING THE GOVERNMENT OF TURKEY TO UPHOLD AND SAFEGUARD RELIGIOUS AND HUMAN RIGHTS

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 Government of Turkey, as follows:

WHEREAS, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States; and

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world and the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches worldwide; and

WHEREAS, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region; and

WHEREAS, in 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal and, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the 9/11 attacks as "antireligious"; and

WHEREAS, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region

and Central Asia via religious leaders' interfaith dialogue, understanding and action; and

WHEREAS, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims and this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government; and

WHEREAS, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals, and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century due to the continued policies during this period by the Turkish government, there remain fewer than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

WHEREAS, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy and the Government of Turkey has confiscated nearly 94 percent of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005 and the European Union defined membership criteria for accession obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law and respect for and protection of minorities and human rights; and

WHEREAS, the Government of Turkey's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union, and Orthodox Christians in this State and throughout the United States stand to lose their spiritual leader because of the continued actions of the Government of Turkey; and

WHEREAS, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with officials of the Government of Turkey, as well as the United States Ambassador to the Republic of Turkey, regarding the government's treatment of the Ecumenical Patriarchate; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Government of Turkey to uphold and safeguard religious and human rights without compromise, cease its discrimination against the Ecumenical Patriarchate, grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities and respect the property rights and human rights of the Ecumenical Patriarchate; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 925

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS

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 and the United States Congress as follows:

WHEREAS, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

WHEREAS, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

WHEREAS, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages typically are low; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

WHEREAS, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

WHEREAS, in some cases, additional support in the form of income, housing, heating and prescription drug and other safety

net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

WHEREAS, other participants in Social Security do not have their benefits reduced in this manner; and

WHEREAS, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

WHEREAS, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; and

WHEREAS, bills are present in Congress in both the Senate and the House of Representatives, known as "The Social Security Fairness Act of 2009," that would amend the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II and totally repeal both the Government Pension Offset and the Windfall Elimination Provision; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress work together to support reform proposals that include the following protections for low-income and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;
2. Protections permanently ensuring the level of benefits by indexing it to inflation; and
3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; 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 and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 938

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS FOR INCREASED OVERSIGHT AND ACCOUNTABILITY FOR RECIPIENTS OF FEDERAL BAILOUT FUNDS

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 and the United States Congress as follows:

WHEREAS, the Emergency Economic Stabilization Act of 2008 was passed by Congress in October 2008 in response to the unprecedented financial crisis that the United States and the world was experiencing, and the basic component of the Act is the Troubled Assets Relief Program, TARP, which gives broad authority to the Secretary of the Treasury to purchase or insure up to \$700,000,000,000 of the troubled assets of financial institutions; and

WHEREAS, the Federal Government has handed over billions of taxpayer dollars to failed financial institutions with almost no strings attached and among the banks and financial companies that have received funds under TARP are Citigroup, AIG and Bank of America, which together were refinanced by American taxpayers; and

WHEREAS, when Citigroup and Bank of America, and other businesses that received TARP funds, were asked to account for how they spent the money, they responded with generic statements and none provided specific answers and many refused to discuss the issue at all; and

WHEREAS, some institutions have used the TARP funds for lavish expenses and executive bonuses, when these funds were meant to purchase troubled assets and not to continue extravagant spending; and

WHEREAS, recent reports that TARP funds are being spent unwisely and foolishly have shocked, angered and saddened the citizens of the State and the rest of the Nation, citizens who are also facing financial problems and instability and who are paying for the TARP funds with their taxes; and

WHEREAS, there is a strong movement in the Nation for requiring strict accountability on the use of TARP funds and how they are spent. One example of this movement to require such accountability is recent federal legislation submitted entitled "TARP Reform and Accountability Act of 2009," which amends the Emergency Economic Stabilization Act of 2008; and

WHEREAS, the people of Maine fully support requiring all of the recipients of TARP funds to report on a timely basis the amount received and how the entirety was spent in order to achieve full accountability; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request and urge that the United States Government establish strict and clear reporting methods for all recipients of money from the Troubled Assets Relief Program to detail to the government and the people in a timely and appropriate manner the amount of money received and exactly how it was used; 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 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. 186

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

March 27, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Curtis C. Bohlen of Yarmouth, for appointment to the Board of Pesticides Control.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 2 | Nutting of Androscoggin, Sherman of Aroostook |
| | Representatives | 9 | Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntonville, Percy of Phippsburg, Pratt of Eddington |
| NAYS | | 0 | |
| ABSENT | | 2 | Sen. Bryant of Oxford, Rep. Smith of Monmouth |

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Curtis C. Bohlen of Yarmouth, for appointment to the Board of Pesticides Control be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 124th Legislature, the vote was taken by the Yeas and Nays.

The Chair noted the absence of the Senator from York, Senator **HOBBINS** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#28)

YEAS: Senators: None

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

ABSENT: Senator: PLOWMAN

EXCUSED: Senator: HOBBINS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Curtis C. Bohlen** of Yarmouth for appointment to the Board of Pesticides Control was **CONFIRMED**.

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

The Following Communication: S.C. 187

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

March 27, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Honorable Donald G. Marean of Hollis, for appointment to the Land For Maine's Future Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 2 | Nutting of Androscoggin, Sherman of Aroostook |
| | Representatives | 9 | Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntonville, Pratt of Eddington, Smith of Monmouth |
| NAYS | | 0 | |
| ABSENT | | 2 | Sen. Bryant of Oxford, Rep. Percy of Phippsburg |

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Donald G. Marean of Hollis, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#29)

YEAS: Senators: None

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

ABSENT: Senator: PLOWMAN

EXCUSED: Senator: HOBBS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Donald G. Mearns** of Hollis for appointment to the Land For Maine's Future Board was **CONFIRMED**.

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

The Following Communication: S.C. 188

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

March 27, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under

consideration the nomination of Sidney T. Bradley of Easton, for reappointment to the State Harness Racing Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 2 | Nutting of Androscoggin, Sherman of Aroostook |
| | Representatives | 8 | Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, O'Brien of Lincolntonville, Percy of Phippsburg, Pratt of Eddington |
| NAYS | | 0 | |
| ABSENT | | 3 | Sen. Bryant of Oxford, Rep. McCabe of Skowhegan, Rep. Smith of Monmouth |

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sidney T. Bradley of Easton, for reappointment to the State Harness Racing Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#30)

YEAS: Senators: None

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

ABSENT: Senator: PLOWMAN

EXCUSED: Senator: HOBBS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sidney T. Bradley** of Easton for reappointment to the State Harness Racing Commission was **CONFIRMED**.

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

The Following Communication: S.C. 184

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

March 30, 2009

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 5 MRSA § 24001, I am pleased to reappoint the following Senators to the Maine Children's Growth Council. They will be serving as Senate members.

Senator Joseph Perry of Penobscot

Senator Peter Mills of Somerset

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 185

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

March 30, 2009

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

Dear Secretary O'Brien,

Pursuant to my authority under Title 22 MRSA, §3739, I am pleased to appoint Senator Deborah Simpson of Androscoggin to the Child Care Advisory Council, as a member of the Senate.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 174

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

March 30, 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. 559 An Act To Update the Board of Pesticides Control

L.D. 560 An Act To Ban the Hunting of Animals in Enclosed Areas

L.D. 936 An Act To Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing

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. 175

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

March 27, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 317 An Act to Facilitate Repairs to the Saco River Retaining Wall
- L.D. 411 An Act To Increase the Redemption Fee on Sorting and Handling
- L.D. 544 An Act To Amend the Laws Governing Returnable Beverage Containers

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. 176

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 26, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 309 Resolve, To Direct the Emergency Medical Services' Board To Examine the Licensure Procedures for Emergency Medical Services Persons
- L.D. 468 An Act To Amend the Laws Concerning Terrorizing
- L.D. 591 An Act Regarding the Granting of a Work-restricted Driver's License for Travel to and from Work for Certain Persons with Suspended Licenses
- L.D. 594 An Act To Require That Police Reports Be Filed in All Automobile Accidents
- L.D. 595 An Act To Prevent High-speed Chases
- L.D. 653 An Act To Strengthen the Penalties for Leaving the Scene of an Accident
- L.D. 668 An Act To Amend the Laws Concerning Disorderly Conduct
- L.D. 730 An Act To Allow Bail Commissioners To Access Criminal Records

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Anne M. Haskell
House Chair

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

The Following Communication: S.C. 177

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 31, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 601 An Act To Require That the Proceeds from Property Seized through Drug Crime Forfeitures Go to the General Fund
- L.D. 713 An Act Regarding Assault on a Firefighter
- L.D. 727 An Act To Protect Sports Officials

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Anne M. Haskell
House Chair

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

The Following Communication: S.C. 178

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

March 27, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 465 An Act To Amend Maine's School Construction Laws To Reduce the Percentage for Art to 0.5%

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. 179

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

March 31, 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 bills out "Ought Not to Pass":

- L.D. 636 An Act To Control Education Administrative Costs
- L.D. 735 An Act To Allow Unimmunized Children to Attend School Upon Parental Waiver
- L.D. 816 An Act To Authorize the Commissioner of Education To Issue Separate Subsidy Checks to Each Municipality in an Alternative Organizational Structure
- L.D. 818 An Act To Improve Transparency in the School Funding Formula

L.D. 1037 An Act To Require the Department of Education To Provide Certain Information to Individual Communities of Alternative Organizational Structures

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

We have also notified the sponsors and cosponsors of each bill listed 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. 181

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

March 30, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

The Following Communication: S.C. 180

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

March 30, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 286 An Act To Encourage Young Hunters by Providing Them with Complimentary Licenses and Permits

L.D. 505 Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Pertaining to Youth Spring Wild Turkey Hunting Day

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

Sincerely,

S/Sen. Bruce S. Bryant
Senate Chair

S/Rep. Herbert E. Clark
House Chair

L.D. 22 Resolve, To Establish a Study Commission To Develop Legislation Designed To Prevent Domestic Violence and Abuse

L.D. 23 An Act To Amend the Laws Governing Powers of Attorney

L.D. 326 An Act To Allow the Request for and Granting of Permanent Protection from Abuse Orders

L.D. 375 An Act To Clarify the Amount of a Contract for Small Claim Purposes

L.D. 394 An Act To Protect Nonprofit Organizations from Embezzlement

L.D. 426 An Act To Allow Stepparents To Take Certain Actions with Respect to Their Stepchildren

L.D. 502 An Act To Require Additional Information in the Annual Reports of Nonprofit Corporations

L.D. 528 An Act To Prohibit a Person Whose Parental Rights Have Been Terminated from Gaining Custody of a Grandchild

L.D. 642 An Act To Protect Parental Relationships during and after Divorce

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

Sincerely,

S/Sen. Lawrence Steven Bliss
Senate Chair

S/Rep. Charles R. Priest
House Chair

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

The Following Communication: S.C. 182

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

March 25, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 903 An Act To Allow an Election Clerk To Request Proof of Identity from a Voter

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Pamela Jabar Trinward
House Chair

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

The Following Communication: S.C. 183

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

March 27, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 645 An Act To Provide for Municipal Oversight and Authority over Groundwater Extraction
L.D. 663 An Act To Clarify A Municipality's Authority To Pass Ordinances That Govern the Extraction of Groundwater

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.**

SENATE PAPERS

Bill "An Act To Strengthen Maine's Financial Future in Perpetuity"
S.P. 503 L.D. 1387

Presented by Senator PERRY of Penobscot.

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

Sent down for concurrence.

Bill "An Act Regarding the Licensing Fees for Certain Professional Programs"

S.P. 504 L.D. 1388

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative SMITH of Monmouth and Senator: SULLIVAN of York, Representatives: CLEARY of Houlton, COHEN of Portland, HUNT of Buxton, MacDONALD of Boothbay, WRIGHT of Berwick.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

S.P. 505 L.D. 1389

Presented by Senator DAMON of Hancock. (GOVERNOR'S BILL)

Cosponsored by Representative PIOTTI of Unity and Senators: COURTNEY of York, MILLS of Somerset, SCHNEIDER of Penobscot, Representatives: BERRY of Bowdoinham, DUCHESNE of Hudson, SMITH of Monmouth.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing Emergency Management"

S.P. 510 L.D. 1391

Presented by Senator GERZOFKY of Cumberland. Cosponsored by Representative PLUMMER of Windham. Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies"

S.P. 491 L.D. 1356

Presented by Senator MILLS of Somerset. Cosponsored by Representative SUTHERLAND of Chapman and Senators: BARTLETT of Cumberland, JACKSON of Aroostook, President MITCHELL of Kennebec, RECTOR of Knox, WESTON of Waldo, Representatives: CROCKETT of Augusta, LOVEJOY of Portland, MILLER of Somerville, PIOTTI of Unity, STUCKEY of Portland. Submitted by the Department of Education pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, Directing the Department of Health and Human Services To Limit Prescriptions for Narcotic Drugs under MaineCare without Prior Authorization

S.P. 489 L.D. 1354

Presented by Senator MILLS of Somerset.

Bill "An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program"

S.P. 494 L.D. 1359

Presented by Senator MILLS of Somerset.

Bill "An Act To Allow Law Enforcement and Family Members To Petition the District Court To Initiate Assisted Outpatient Treatment"

S.P. 495 L.D. 1360

Presented by Senator NUTTING of Androscoggin. Cosponsored by Senators: MARRACHÉ of Kennebec, MILLS of Somerset, RAYE of Washington, Representatives: LEWIN of Eliot, PIEH of Bremen.

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

Sent down for concurrence.

Bill "An Act To Implement Shared Decision Making To Improve Quality of Care and Reduce Unnecessary Use of Medical Services"

S.P. 493 L.D. 1358

Presented by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act Regarding Salary Information for Public Employees"

S.P. 488 L.D. 1353

Presented by Senator MARRACHÉ of Kennebec. Cosponsored by Representative CROCKETT of Augusta and Senators: BLISS of Cumberland, BOWMAN of York, President MITCHELL of Kennebec, SIMPSON of Androscoggin, Representatives: BLODGETT of Augusta, BRYANT of Windham, SMITH of Monmouth.

Bill "An Act To Provide for Equality before the Law"

S.P. 498 L.D. 1382

Presented by Senator PLOWMAN of Penobscot.

Bill "An Act To Implement the Uniform Law Conference Suggested Updates to Article 1 of the Uniform Commercial Code"
S.P. 506 L.D. 1403

Presented by Senator HOBBS of York.

Bill "An Act To Enact the Maine Uniform Power of Attorney Act"
S.P. 507 L.D. 1404

Presented by Senator HOBBS of York.
Bill "An Act To Implement the Updates to Article 7 of the Uniform Commercial Code Suggested by the National Conference of Commissioners on Uniform State Laws"
S.P. 508 L.D. 1405

Presented by Senator HOBBS of York.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing Direct Support Providers of Shared Living Residential Services"
S.P. 496 L.D. 1361

Presented by Senator MILLS of Somerset.

Bill "An Act To Clarify Apportionment of Benefits for Multiple Work Injuries"
S.P. 500 L.D. 1384

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative WATSON of Bath and Senators: BARTLETT of Cumberland, JACKSON of Aroostook, Representatives: CLARK of Millinocket, DRISCOLL of Westbrook.

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

Sent down for concurrence.

Bill "An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program"
S.P. 502 L.D. 1386

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative BOLDUC of Auburn and Senators: SIMPSON of Androscoggin, SMITH of Piscataquis, Representatives: AYOTTE of Caswell, DUCHESNE of Hudson, EDGECOMB of Caribou, WALSH INNES of Yarmouth, KNAPP of Gorham, WELSH of Rockport.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Exempt from Taxation Biodiesel Fuel Produced for Personal Use" (EMERGENCY)
S.P. 487 L.D. 1352

Presented by Senator BARTLETT of Cumberland.

Bill "An Act To Create an Energy Conservation Measures Tax Credit"
S.P. 501 L.D. 1385

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Senators: HOBBS of York, PERRY of Penobscot.

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Topsham (EMERGENCY)
S.P. 509 L.D. 1390

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative PRESCOTT of Topsham and Representatives: CRAFTS of Lisbon, KENT of Woolwich, PERCY of Phippsburg, WATSON of Bath.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Promote Economic Development and Reduce Reliance on Automobiles through Transit-oriented Tax Increment Financing Districts"
S.P. 511 L.D. 1392

Presented by Senator BLISS of Cumberland.
Cosponsored by Representative EBERLE of South Portland and Senators: DAMON of Hancock, PERRY of Penobscot, RECTOR of Knox, Representatives: CHASE of Wells, CROCKETT of Augusta, DILL of Cape Elizabeth, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor.

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

Sent down for concurrence.

Resolve, To Name the Bridge in Orland the Ralston C. Gray Bridge
S.P. 486 L.D. 1351

Presented by Senator ROSEN of Hancock.
Cosponsored by Representative MAGNAN of Stockton Springs.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Make Permanent the Allowance of Certain Commercial Vehicles between the Calais Border Crossing and Baileyville"

S.P. 490 L.D. 1355

Presented by Senator RAYE of Washington.
Cosponsored by Representative PERRY of Calais and Representatives: AYOTTE of Caswell, BURNS of Whiting, MARTIN of Eagle Lake, McFADDEN of Dennysville, SOCTOMAH of the Passamaquoddy Tribe, THERIAULT of Madawaska, TILTON of Harrington.

Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"

S.P. 492 L.D. 1357

Presented by Senator DAMON of Hancock.
Cosponsored by Representative PIOTTI of Unity and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRYANT of Oxford, GERZOFKY of Cumberland, GOOLEY of Franklin, MARRACHÉ of Kennebec, President MITCHELL of Kennebec, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: BERRY of Bowdoinham, BRYANT of Windham, BUTTERFIELD of Bangor, CAIN of Orono, CAREY of Lewiston, CLEARY of Houlton, FLEMINGS of Bar Harbor, GOODE of Bangor, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HINCK of Portland, MacDONALD of Boothbay, MARTIN of Eagle Lake, MAZUREK of Rockland, PERCY of Phippsburg, Speaker PINGREE of North Haven, PRATT of Eddington, PRIEST of Brunswick, RUSSELL of Portland, SCHATZ of Blue Hill.

Bill "An Act To Provide Support to Municipal Government by Imposing a Municipal Surcharge on Traffic Violations"

S.P. 499 L.D. 1383

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Representative: SANBORN of Gorham.

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

Sent down for concurrence.

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

ORDERS

Joint Resolutions

On motion by Senator RECTOR of Knox (Cosponsored by Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of

Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo, Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUS of Brunswick, COTTA of China, CRAFTS of Lisbon, GRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford,

VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick), the following Joint Resolution:

S.P. 471

JOINT RESOLUTION TO HONOR THE MEMORY OF NOTED AMERICAN ARTIST, ANDREW WYETH

WHEREAS, Andrew Wyeth, the world famous American artist with strong connections to Maine, died January 16, 2009 at the age of 91; and

WHEREAS, Andrew Wyeth was born in Chadds Ford, Pennsylvania on July 12, 1917, the son of artist N. C. Wyeth, who bought a summer home on Horse Point, Port Clyde, Maine in 1920, which is still owned by the Wyeth family; and

WHEREAS, for almost 90 years the Wyeth family has spent summers in Maine, and Andrew Wyeth painted in Knox County for more than 60 years, so long that he himself became part of the summer landscape; and

WHEREAS, Andrew Wyeth and Betsey James were married in 1940 and maintained their summer home in Cushing for many years, and their sons James and Nicholas have continued the family tradition of summering on the Maine coast, and have been well-known to their neighbors and friends on the coast; and

WHEREAS, Andrew Wyeth developed into perhaps the best-known contemporary artist of the 20th century, focusing on realistic temperas and watercolors, and was often referred to as the "Painter of the People" due to the popularity of his work with the American public. His work is represented in all the major art museums of the world; and

WHEREAS, Andrew Wyeth once remarked that Maine was "all dry bones and desiccated sinews." The State appealed to him strongly because he found simplicity here that he thought was lacking elsewhere, and his depictions of Maine seem to make it a more familiar and friendly place to everyone, even those who have never been to Maine; and

WHEREAS, one of his most famous works of art, Christina's World, a tempera in the collection of the Museum of Modern Art in New York City, was inspired and painted in Maine. The painting is considered iconic and one of the best-known images of modern art; and

WHEREAS, as an artist, Andrew Wyeth was honored with many unique awards throughout his lifetime, such as the Presidential Medal of Freedom presented to him by President John F. Kennedy in 1963. He was elected to the Académie des Beaux-Arts in 1977, received the Congressional Gold Medal in 1988, the highest civilian honor bestowed by Congress, and in 2007 he received the National Medal of Arts from President George W. Bush; and

WHEREAS, Andrew Wyeth's artistic abilities have brought unique attention to Maine, especially the Farnsworth Museum of Art located in Rockland, which has an extensive collection of his

artwork and papers and is a major attraction for scholars and art enthusiasts; and

WHEREAS, Andrew Wyeth received honorary Maine citizenship. Among his numerous honorary degrees from around the nation, he received Doctorate of Fine Arts degrees from Bates College in Lewiston, Bowdoin College in Brunswick and Colby College in Waterville; and

WHEREAS, the people of Maine are grateful for the generous support Andrew Wyeth and his family have given to the historic preservation and cultural enrichment of the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, take this occasion to recognize the importance of Andrew Wyeth's contributions to the world of art, in Maine and on a national and international scale, and we honor his memory and extend our condolences to the family of Andrew Wyeth with the sincere admiration of the people of Maine.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you, Madame President. Women and men of the Senate, it is a privilege to present this to you today honoring Andrew Wyeth, perhaps America's most renowned artist of recent memory, who died on January 16th, after a very full and productive life, at age 91. A summer resident of Port Clyde, Maine since 1920, the Wyeth family roots run deep along our coast. They follow many great artists who call Maine home, such as Winslow Homer, Robert Indiana, Alex Katz, and the late Neil Welliver. Andrew Wyeth's father, N.C. Wyeth, was an illustrator and artist who illustrated many of the children's classic books we all remember from childhoods. Robin Hood, The Yearling, and Treasure Island, which was my personal favorite, just to name a few. My connection with the Wyeth family began in my own childhood. I grew up in Needham, Massachusetts where the Wyeth family visited, and actually lived for some time during Andrew's youth, right next door to my father at Andrew's grandparent's house. I grew up with stories about how the Wyeth's used to dress up in costumes, a practice derived from N.C.'s need for models in his illustration work, and could be seen playing at many theatrical scenes in their yard. My aunts attended school with the Wyeth sisters and our town library had several wonderful N.C. Wyeth original paintings on the wall, so the connection was natural and very unassuming for me. Little did I know that when I moved to Maine and entered the picture framing business that that connection would grow in a new way. Our first summer in business, 1977, my wife and I had Andrew Wyeth come into our shop on a hot July day dressed in a Revolutionary war tunic with dark wool buttoned to the neck. This was quite an introduction. My father worked with us in our shop so he and Andrew were able to get reacquainted as well. A simple and rather humble man, he was just Andy around Cushing and Port Clyde. He painted his friends and the people who he knew who make up the small coastal towns where he spent his summers. He painted the landscape, seascape, and depicted our stark architecture. He appreciated the beauty that is Maine and

captured it in the directness of his images. His depictions were heartfelt and emotional, almost iconic in their essence. The impacts of the Wyeth family do no end with Andy's passing. His son Jamie continues as the third generation of remarkable and talented artists, a trinity of painters. Betsy Wyeth, Andrew's wife, played key roles in the preservation of islands and island life in Muscongous Bay. In fact, in recent years the Wyeth's have spent much of their summers on an island at the entrance of Tenants Harbor. The Island Institute, the Herring Gut Learning Center, and the Farnsworth Art Museum in Rockland have enjoyed enduring relationships with the entire Wyeth family. Awarded the Presidential Medal of Freedom by President Kennedy, the Congressional Gold Medal by the U.S. Congress, and the National Medal of Arts from President Bush, along with many honors and honorary degrees, Andrew Wyeth was not without well-deserved recognition. He's received many honors from Maine, where Governor Reed made him an honorary citizen back in the early 1960's and Governor Curtis honored him on two occasions. It is right that we remember him at his passing, since so much of what he did was capturing the imagery that represents what we understand and love about this great state. He did it with simplicity, humility, and grace, as we Maine people would wish. Thank you, Madame President.

On motion by Senator **RECTOR** of Knox, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

Off Record Remarks

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

Senator **COURTNEY**: Thank you, Madame President. As one of the three Senators that represent one of the largest school districts in the state, Bonny Eagle High School, I congratulate our team again for bringing home the championship. It's wonderful to see them up there every year. I want to share congratulating them with the Senator from Cumberland, Senator Diamond, who I'm sure will have a couple of things to say. I know that the Senator from York, Senator Hobbins, is certainly here in spirit. Thank you, Madame President.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **DIAMOND**: Thank you, Madame President. Men and women of the Senate, it is nice to see the Bonny Eagle High football team again here. The key word of the day is again and again and again, because they just keep on winning. I'm very proud of them, each and every one of them, and their coaches and their parents. I want to extend, on behalf of the Senator from York, Senator Hobbins who couldn't be here today, congratulations from all of us.

On motion by Senator **BARTLETT** of Cumberland under unanimous consent on behalf of President **MITCHELL** of Kennebec (Cosponsored by Speaker **PINGREE** of North Haven and Senators: **ALFOND** of Cumberland, **BARTLETT** of Cumberland, **BLISS** of Cumberland, **BOWMAN** of York, **BRANNIGAN** of Cumberland, **BRYANT** of Oxford, **COURTNEY** of York, **CRAVEN** of Androscoggin, **DAMON** of Hancock, **DAVIS** of Cumberland, **DIAMOND** of Cumberland, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **GOOLEY** of Franklin, **HASTINGS** of Oxford, **HOBBS** of York, **JACKSON** of Aroostook, **MARRACHÉ** of Kennebec, **McCORMICK** of Kennebec, **MILLS** of Somerset, **NASS** of York, **NUTTING** of Androscoggin, **PERRY** of Penobscot, **PLOWMAN** of Penobscot, **RAYE** of Washington, **RECTOR** of Knox, **ROSEN** of Hancock, **SCHNEIDER** of Penobscot, **SHERMAN** of Aroostook, **SIMPSON** of Androscoggin, **SMITH** of Piscataquis, **SULLIVAN** of York, **TRAHAN** of Lincoln, **WESTON** of Waldo, Representatives: **ADAMS** of Portland, **AUSTIN** of Gray, **AYOTTE** of Caswell, **BEAUDETTE** of Biddeford, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BECK** of Waterville, **BERRY** of Bowdoinham, **BICKFORD** of Auburn, **BLANCHARD** of Old Town, **BLODGETT** of Augusta, **BOLAND** of Sanford, **BOLDUC** of Auburn, **BRIGGS** of Mexico, **BROWNE** of Vassalboro, **BRYANT** of Windham, **BURNS** of Whiting, **BUTTERFIELD** of Bangor, **CAIN** of Orono, **CAMPBELL** of Newfield, **CAREY** of Lewiston, **CASAVANT** of Biddeford, **CEBRA** of Naples, **CELLI** of Brewer, **CHASE** of Wells, **CLARK** of Millinocket, **CLARK** of Easton, **CLEARY** of Houlton, **COHEN** of Portland, **CONNOR** of Kennebunk, **CORNELL** du **HOUX** of Brunswick, **COTTA** of China, **CRAFTS** of Lisbon, **CRAY** of Palmyra, **CROCKETT** of Bethel, **CROCKETT** of Augusta, **CURTIS** of Madison, **CUSHING** of Hampden, **DAVIS** of Sangerville, **DILL** of Cape Elizabeth, **DOSTIE** of Sabattus, **DRISCOLL** of Westbrook, **DUCHESNE** of Hudson, **EATON** of Sullivan, **EBERLE** of South Portland, **EDGEComb** of Caribou, **EVES** of North Berwick, **FINCH** of Fairfield, **FITTS** of Pittsfield, **FLAHERTY** of Scarborough, **FLEMINGS** of Bar Harbor, **FLETCHER** of Winslow, **FLOOD** of Winthrop, **FOSSEL** of Alna, **GIFFORD** of Lincoln, **GILBERT** of Jay, **GILES** of Belfast, **GOODE** of Bangor, **GREELEY** of Levant, **HAMPER** of Oxford, **HANLEY** of Gardiner, **HARLOW** of Portland, **HARVELL** of Farmington, **HASKELL** of Portland, **HAYES** of Buckfield, **HILL** of York, **HINCK** of Portland, **HOGAN** of Old Orchard Beach, **HUNT** of Buxton, **WALSH INNES** of Yarmouth, **JOHNSON** of Greenville, **JONES** of Mount Vernon, **JOY** of Crystal, **KAENRATH** of South Portland, **KENT** of Woolwich, **KNAPP** of Gorham, **KNIGHT** of Livermore Falls, **KRUGER** of Thomaston, **LAJOIE** of Lewiston, **LANGLEY** of Ellsworth, **LEGG** of Kennebunk, **LEWIN** of Eliot, **LOVEJOY** of Portland, **MacDONALD** of Boothbay, **MAGNAN** of Stockton Springs, **MARTIN** of Orono, **MARTIN** of Eagle Lake, **MAZUREK** of Rockland, **McCABE** of Skowhegan, **McFADDEN** of Dennysville, **McKANE** of Newcastle, **McLEOD** of Lee, **MILLER** of Somerville, **MILLETT** of Waterford, **MITCHELL** of the Penobscot Nation, **MORRISON** of South Portland, **NASS** of Acton, **NELSON** of Falmouth, **NUTTING** of Oakland, **O'BRIEN** of Lincolnville, **PENDLETON** of Scarborough, **PEOPLES** of Westbrook, **PERCY** of Phippsburg, **PERRY** of Calais, **PETERSON** of Rumford, **PIEH** of Bremen, **PILON** of Saco, **PINKHAM** of Lexington Township, **PIOTTI** of Unity, **PLUMMER** of Windham, **PRATT** of Eddington, **PRESCOTT** of Topsham, **PRIEST** of Brunswick, **RANKIN** of Hiram, **RICHARDSON** of Carmel, **RICHARDSON** of Warren,

ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:
S.P. 484

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE RECOMMENDATIONS OF THE COMMISSION TO PROTECT THE LIVES AND HEALTH OF MEMBERS OF THE MAINE NATIONAL GUARD

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 and the United States Congress as follows:

WHEREAS, the Commission to Protect the Lives and Health of Members of the Maine National Guard, hereafter referred to as "the commission," was established by the 123rd Maine Legislature to develop and recommend measures, changes in protocols and other procedures to prevent future noncombat deaths and disabilities and to save the lives and improve the health of members of the Maine National Guard on both active and inactive duty; and

WHEREAS, the commission has met, held public hearings and developed a number of recommendations, many of which have been adopted in Maine and which would help the United States Armed Forces as a whole; and

WHEREAS, a number of recommendations require federal approval and we forward the recommendations to you as follows:

That increased efforts to diagnose and treat illnesses, such as those found in veterans of the 1990-1991 Gulf War and the global war on terror, be undertaken immediately;

That all anthrax vaccine safety data be made available for expert analysis, especially to decision makers and independent scientists;

That research using the Defense Medical Surveillance System databases specifically investigate the relationship between anthrax vaccine and chronic fatigue syndrome, fibromyalgia and other pain disorders, undiagnosed illnesses and Gulf War syndrome;

That Congress request the Institute of Medicine to perform a review of the military smallpox program in an identical manner to

its review of the civilian smallpox program, and ask the Secretary of Defense to follow the recommendations of the institute with respect to future smallpox vaccinations;

That electronic medical records be established that are seamlessly and rapidly transferable between the Department of Defense and the Department of Veterans Affairs;

That existing regulations to improve the medical disability process for service members be enforced and that current standards be improved;

That Congress ensure the Department of Defense's Disability Evaluation System be expanded as quickly as possible, and

That service members be granted the benefit of a doubt when they file a valid disability claim for service-connected injuries or illnesses and be provided health care benefits and compensation as soon as possible; and

WHEREAS, these recommendations of the commission, if adopted for members of the United States Armed Forces, could save the lives and protect the health of all United States military personnel; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress review and adopt these recommendations to protect the lives and health of members of the Maine National Guard and the United States Armed Forces; 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 and to each Member of the Maine Congressional Delegation.

READ.

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, I will make this short. On the second paragraph of what was just read to you, that the Legislature should develop and recommend measures, changes in protocols, and other procedures to prevent future non-combat deaths and disabilities and to save the lives and improve the health of members of the Maine National Guard on both active and inactive duty. This commission was appointed last year in the 123rd and it was a commission of military people, private citizens, and its leader. Never doubt the power of a mother. It was lead to Barbara Damon Day who was the mother of Patrick Damon, one of the Chiefs of Staff to the Speaker when I served in the other Body. This was a commission that many people said nothing will get done. It did get done, driven by the fact of a mother who wanted to make sure that what happened, the tragedy of her son, would not be ever repeated on our sons, our daughters, husbands, or wives serving in the Maine National Guard. This resolution says, once again, Maine lead. We changed protocols and we protected our citizens and we are saying to the U.S.

government protect the other states. I am proud to stand here and speak on this and I am especially grateful to Barbara Damon Day for she has been able to accomplish quicker than what we have been able to accomplish here in this Body. I am humbled and proud to have known Pat and certainly to have met and have gathered great respect for the mother, Barbara Damon Day. Thank you so much, Madame President.

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

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, I can't add much to what the Senator from York, Senator Sullivan, has said except to say that Captain Patrick Damon was my friend and for his mother to carry on in his tradition as a true public servant. As a staff person here in the State House, he served us all with honor and then, as a servant in the Armed Forces overseas, served us again. Most importantly, Patrick Damon was an amazing father and husband. He is surely missed by more people than you could have known. I really want to thank his mother for carrying on in his service to make sure that his tragic loss might not be repeated on other families.

On motion by Senator **BARTLETT** of Cumberland under unanimous consent on behalf of President **MITCHELL** of Kennebec, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very honored and pleased to recognize in the rear of the chamber Barbara Damon Day of Newcastle, chair of the Commission to Protect the Lives and Health of Members of the Maine National Guard. Barbara is the mother of Patrick Daniel Damon, who was a Captain in the Maine Army National Guard. She is the guest of the Senator from Lincoln, Senator Trahan. Melinda Pooler of Pittsfield is here also. She's a commission member and veteran of Operation Iraqi Freedom. She is the guest of the Senator from Kennebec, Senator Marraché. Would you accept the greetings of the Maine Senate.

On motion by Senator **SIMPSON** of Androscoggin (Cosponsored by Representative **FOSSEL** of Alna and Senators: **GERZOFSKY** of Cumberland, **GOODALL** of Sagadahoc, **MARRACHÉ** of Kennebec, Representatives: **CAREY** of Lewiston, **HASKELL** of Portland, **RUSSELL** of Portland, **SAVIELLO** of Wilton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 497

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF ENERGY AND THE CONGRESS OF THE UNITED STATES TO REVIEW NATIONAL POLICY ON USED NUCLEAR FUEL

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 United States Secretary of Energy and the Congress of the United States, as follows:

WHEREAS, nuclear utility ratepayers have committed more than \$31,000,000,000 in fees and interest, as mandated under the federal Nuclear Waste Policy Act of 1982, for the purpose of establishing a permanent repository for storage of used nuclear fuel from commercial reactors and defense-related high-level radioactive waste; and

WHEREAS, the ratepayers of Maine Yankee, Maine's former nuclear power facility, now decommissioned, paid \$65,500,000 into the federal Nuclear Waste Fund for nuclear fuel used after the Nuclear Waste Policy Act was enacted in 1982 and are continuing to make payments into the Spent Nuclear Fuel Disposal Trust Fund to fund a \$185,000,000 obligation for the disposal of spent nuclear fuel used prior to 1983; and

WHEREAS, the United States Government failed to begin accepting commercial used fuel by 1998 as required by the Nuclear Waste Policy Act of 1982 and by contracts with used fuel owners, and only in 2008 did the United States Department of Energy finally submit an application to the federal Nuclear Regulatory Commission to construct a permanent used fuel repository; and

WHEREAS, the expected funding levels for the permanent fuel disposal program in the fiscal year 2009 federal budgets and statements by the Federal Government concerning the fiscal year 2010 federal budgets point to continuing chronic delays for the Yucca Mountain repository, if not the outright termination of the project; and

WHEREAS, the Federal Government's failure to meet its 1998 statutory and legal obligations to accept used fuel has led to the Federal Government's being found in partial breach of the contracts with nuclear utility owners, leading to federal taxpayer payments to the utilities of about \$1,000,000,000 thus far; and

WHEREAS, in light of the Federal Government's failure to meet its responsibility, the commercial nuclear industry has embraced an integrated nuclear fuel management program incorporating:

1. Continued safe and secure storage of used fuel at commercial plant sites;
2. Development of 2 Nuclear Regulatory Commission-licensed private or government-owned centralized interim storage facilities in communities that would host such facilities voluntarily;
3. Continued public and private sector efforts on research, development and deployment of technologies to recycle used fuel in a safe, environmentally responsible, proliferation-resistant and commercially viable way; and
4. Continued review of the permanent repository license application by the Nuclear Regulatory Commission and continued policymaker engagement to ensure the safety and security of whatever facilities or sites ultimately are chosen for permanent disposal of the by-products of the once-through or close nuclear fuel cycle; and

WHEREAS, several prominent national state officials' organizations, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners and the American Legislative Exchange Council, have all endorsed immediate establishment of centralized Nuclear Regulatory Commission-licensed interim fuel storage facilities in voluntary host communities and continued research on the recycling of fuel and other advanced fuel management technologies; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the United States Government to protect nuclear utility ratepayers by immediately reducing the fee that sustains and overfunds the Nuclear Waste Fund to a level that will cover only the costs incurred by the Department of Energy, Nuclear Regulatory Commission and local Nevada government units that provide oversight of the permanent used fuel repository program; and be it further

RESOLVED: That We, your Memorialists, also respectfully urge the United States Government to immediately enact legislation expediting the establishment of 2 Nuclear Regulatory Commission-licensed, private or government-owned interim storage facilities for used commercial nuclear fuel, with community incentives funded by the Nuclear Waste Fund, and requiring the Department of Energy to take possession of, safely transport and store used fuel at these facilities by leasing space at these facilities, and giving first priority to moving fuel from decommissioned plants; and be it further

RESOLVED: That We, your Memorialists, also respectfully urge the United States Government to enact legislation creating an independent panel of esteemed public policy, scientific, environmental, engineering and affected community leaders that would be charged with conducting a long-term strategic assessment of the Nation's used fuel and defense waste management practices and developing specific recommendations on how to proceed in the future while interim storage facilities are being developed; 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 United States Secretary of Energy, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **JUDICIARY** on Bill "An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction"

H.P. 87 L.D. 103

Reported that the same be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in concurrence.

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Cremated Remains"
H.P. 501 L.D. 718

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake" (EMERGENCY)

H.P. 28 L.D. 33

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-12)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12)**.

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

READ ONCE.

Committee Amendment "A" (H-12) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Regarding the Retention of Dealer Plates in Light of Recent Economic Conditions

H.P. 386 L.D. 541

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10)**.

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

READ ONCE.

Committee Amendment "A" (H-10) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, To Allow the Department of Transportation To Transfer Certain Land to the Greater Grand Isle Historical Society

H.P. 392 L.D. 554

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-9)**.

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

READ ONCE.

Committee Amendment "A" (H-9) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Commercial Painters"

H.P. 166 L.D. 201

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

Signed:

Senators:

SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:

SMITH of Monmouth
WRIGHT of Berwick
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
HUNT of Buxton
CLEARY of Houlton
MARTIN of Orono
COHEN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-21)**.

Signed:

Representative:

GILES of Belfast

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

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Change the Classification of Man-made Wetlands"
H.P. 91 L.D. 107

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

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin

Representatives:

HAMPER of Oxford
BOLDUC of Auburn
KNAPP of Gorham
MARTIN of Eagle Lake
EBERLE of South Portland
DUCHESNE of Hudson
WALSH INNES of Yarmouth
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-28)**.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

EDGECOMB of Caribou

AYOTTE of Caswell

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

Reports **READ**.

On motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require an Independent Audit of State Government Every 4 Years"

H.P. 159 L.D. 194

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

CLARK of Easton

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" (H-13)**.

Signed:

Senator:

COURTNEY of York

Representative:

COTTA of China

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

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years"

H.P. 37 L.D. 42

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

Signed:

Senators:

DAMON of Hancock

GOOLEY of Franklin

Representatives:

MAZUREK of Rockland

HOGAN of Old Orchard Beach

PEOPLES of Westbrook

THERIAULT of Madawaska

HARLOW of Portland

BROWNE of Vassalboro

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" (H-27)**.

Signed:

Representatives:

CAREY of Lewiston

THOMAS of Ripley

CEBRA of Naples

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

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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 (#31)

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

NAYS: Senators: BRYANT, COURTNEY, DAVIS, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SHERMAN, SMITH

ABSENT: Senator: WESTON

EXCUSED: Senator: HOBBS

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator DAMON of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Provide Placards to Drivers Who for Medical Reasons Are Not Required To Wear Seat Belts"

H.P. 209 L.D. 263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-11)**.

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach
PEOPLES of Westbrook
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
MAZUREK of Rockland

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

Signed:

Representatives:

BROWNE of Vassalboro
CEBRA of Naples
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-11)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-11) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships"

S.P. 203 L.D. 508

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Milo Water District"

S.P. 373 L.D. 994

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 GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Technical Corrections to the Operating Under the Influence Laws"

S.P. 66 L.D. 180

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-24)**.

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

READ ONCE.

Committee Amendment "A" (S-24) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SIMPSON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Rename Certain Unorganized Townships in Washington County"

S.P. 234 L.D. 619

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-26)**.

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

READ ONCE.

Committee Amendment "A" (S-26) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SIMPSON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide That the Assessor and Treasurer Are Incompatible Municipal Offices"

S.P. 286 L.D. 739

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-27)**.

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

READ ONCE.

Committee Amendment "A" (S-27) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Clarify the Criteria for Provision of Assistance to Low-income Customers of Natural Gas Companies"

S.P. 43 L.D. 120

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-23)**.

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

READ ONCE.

Committee Amendment "A" (S-23) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Abolish the Intergovernmental Advisory Commission"

H.P. 174 L.D. 209

Bill "An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events"

H.P. 258 L.D. 322

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

H.P. 588 L.D. 857

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

House As Amended

Bill "An Act To Clarify the Disposition of Fines from Maine's Soft-shelled Clam Laws"

H.P. 27 L.D. 32
(C "A" H-7)

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services (EMERGENCY)

H.P. 70 L.D. 80
(C "A" H-8)

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

Senate

Bill "An Act To Hold Municipal Officers Harmless for a Determination That a Town Way or Public Easement Is Considered Abandoned"

S.P. 255 L.D. 680

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers"

S.P. 24 L.D. 65
(C "A" S-16)

Bill "An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State"

S.P. 32 L.D. 83
(C "A" S-17)

Bill "An Act To Ensure Fair Pay"

S.P. 33 L.D. 84
(C "A" S-18)

Bill "An Act To Further Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY)

S.P. 40 L.D. 118
(C "A" S-19)

Bill "An Act To Extend the Season for Training Hunting Dogs"

S.P. 57 L.D. 171
(C "A" S-22)

Bill "An Act Regarding Violations of Lobster Conservation Laws"

S.P. 87 L.D. 246
(C "A" S-20)

Bill "An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways"

S.P. 112 L.D. 348
(C "A" S-21)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption
H.P. 44 L.D. 51
(C "A" H-6)

On motion by Senator **DIAMOND** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Measure

An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District
H.P. 340 L.D. 452

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Remove the Age Restriction for Serving as a Corporator of a Mutual Financial Institution
S.P. 13 L.D. 4
(C "A" S-5)

An Act To Correct the Law Concerning Private Investigators' License Qualifications
H.P. 104 L.D. 122

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

Resolve

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
(C "A" S-4)

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

Senate at Ease.

Senate called to order by the President.

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.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Limestone Water and Sewer District" H.P. 218 L.D. 275

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-33)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33)**.

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

READ ONCE.

Committee Amendment "A" (H-33) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 Reform the Land Use and Planning Authority within the Unorganized Territories of the State" H.P. 960 L.D. 1370

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 Papers

Bill "An Act To Simplify Maine's Accountancy Laws" H.P. 962 L.D. 1372

Bill "An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses" H.P. 972 L.D. 1393

Bill "An Act To Modify the Regional Economic Development Revolving Loan Program" H.P. 973 L.D. 1394

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 Papers

Bill "An Act To Increase the Safety of Maine State Troopers" H.P. 963 L.D. 1373

Bill "An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams" H.P. 964 L.D. 1374

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

On motion by Senator **BLISS** 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

Bill "An Act To Create a Unified Board of Higher Education"
H.P. 952 L.D. 1362

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 To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative"
H.P. 953 L.D. 1363

Bill "An Act To Stimulate the Economy by Expanding Opportunities for Personal Assistance Workers"
H.P. 954 L.D. 1364

Bill "An Act Regarding the Formula for the General Assistance Program"
H.P. 965 L.D. 1375

Resolve, To Reduce Homelessness for People with Mental Illness or Dual Diagnoses
H.P. 966 L.D. 1376

Bill "An Act To Amend the Maine Certificate of Need Act of 2002" (EMERGENCY)
H.P. 974 L.D. 1395

Bill "An Act To Establish a Mental Health Services Advisory Commission To Improve Mental Health Services in the State"
H.P. 975 L.D. 1396

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 Papers

Bill "An Act To Establish a Single-payer Health Care System"
H.P. 955 L.D. 1365

Bill "An Act To Increase Access to Health Care by Providing Insurance Coverage for Telemedicine"
H.P. 956 L.D. 1366

Bill "An Act To Allow Efficient Health Insurance Coverage"
H.P. 976 L.D. 1397

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 Amend the 1980 Maine Implementing Act To Authorize the Establishment of a Tribal Court for the Houlton Band of Maliseet Indians and Related Matters"
H.P. 967 L.D. 1377

Bill "An Act To Adopt Portions of the Uniform Mediation Act"
H.P. 968 L.D. 1378

Bill "An Act To Enact the Uniform Prudent Management of Institutional Funds Act"
H.P. 981 L.D. 1402

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 Amend the Maine Clean Election Laws Governing Gubernatorial Candidates"

H.P. 970 L.D. 1380

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 Paper

Bill "An Act To Amend the Aquaculture Laws"

H.P. 977 L.D. 1398

Comes 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 Paper

Bill "An Act Concerning Water Quality in Watersheds"

H.P. 978 L.D. 1399

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Designate July 12th as Wyeth Day"
(EMERGENCY)

H.P. 979 L.D. 1400

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 Increase the Homestead Property Tax Exemption"

H.P. 957 L.D. 1367

Bill "An Act To Broaden and Increase the Sales Tax, Increase the Earned Income Tax Credit and Amend the Application Process for the Circuitbreaker Program"

H.P. 958 L.D. 1368

Bill "An Act To Allow Counties To Provide Property Tax Relief by Enacting a County Option Meals and Lodging Tax"

H.P. 971 L.D. 1381

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

H.P. 980 L.D. 1401

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

On motion by Senator **BLISS** of Cumberland, **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 Amend the Charter of the Clinton Water District"

H.P. 959 L.D. 1369

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters"

H.P. 914 L.D. 1311

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.

Off Record Remarks

Senator **DAMON** of Hancock 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, April 7, 2009, at 10:00 in the morning.