

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

Pages 1 - 1159

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

In Senate Chamber
Tuesday
April 7, 2009

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

Prayer by Pastor James Colley, Family Worship Center of Dover-
Foxcroft.

PASTOR COLLEY: Thank you for the privilege of being here again with you. A letter from Ms. O'Brien says that I am to give a brief inspirational message to guide the members through their deliberations. Brief, theologically, defined is 20 to 30 minutes and I thank you for the time that you've given to me, Ms. O'Brien, to do this. It's a privilege to be here again with you. We are honored every time we get to come. It's an honor to have Senator Smith, and his family with us at the Family Worship Center and representing our county. We live in perilous times, don't we? You guys have a big job that you are shouldering. I can tell you this, though after being married and celebrating 30 years with my wife, I am thankful that I get to go through these perilous times with my wife. I am also very thankful after returning from Italy that I get to be in the U.S. of A. There is a lot of criticism going on right now about our country, about you guys, but all someone needs to do is go overseas for just a little while and when you get back home you feel like bowing down and kissing the dirt of our country. I would rather go through hard times here than over there, I can tell you that right now. The bible commands me that I am to pray for you, not just today but everyday. Romans 13:4 of the bible calls you God's minister. So you do shoulder a huge responsibility of not only representing your people but also representing that which God would want you to present to the people. So let us pray this morning.

Our Father, thank You again for this privilege and this honor. I pray for each man and woman here today who would stand in the stead of their people to make decisions, important decisions, Lord. Many of them have delved into the scripture to make these decisions that effect personal lives and influence people's jobs. Lord, today as they deliberate, as they debate, and as they make these decisions, I ask that You give them wisdom from You. Give them wisdom that only You can give. Lord, may everything that Your word said be done decently and in order. May You be glorified. Thank You for a place that will still offer a prayer to You before they meet. In Jesus' name, Amen. God bless you. Thank you.

Pledge of Allegiance led by Senator Margaret M. Craven of
Androscoggin County.

Reading of the Journal of Thursday, April 2, 2009.

Doctor of the day, Dr. Carol Saunders, MD of Manchester.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Increase Youth Boating Safety"
H.P. 829 L.D. 1204

In House, March 26, 2009, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.

In Senate, March 26, 2009, **REFERRED** to the Committee on
STATE AND LOCAL GOVERNMENT, in **NON-
CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **BRYANT** of Oxford, the Senate **RECEDED**
and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Reduce the Cost of Permitting of Business
Development"
H.P. 870 L.D. 1251

In House, March 31, 2009, **REFERRED** to the Committee on
TAXATION and ordered printed.

In Senate, March 31, 2009, **REFERRED** to the Committee on
NATURAL RESOURCES, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **BLISS** of Cumberland, the Senate
RECEDED and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Require Legislative Consultation and Approval
Prior to Committing the State to Binding International Trade
Agreements"
H.P. 876 L.D. 1257

In House, March 31, 2009, **REFERRED** to the Committee on
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT
and ordered printed.

In Senate, March 31, 2009, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **SIMPSON** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington"

H.P. 961 L.D. 1371

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

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

Bill "An Act To Authorize the Operation of Slot Machines on the Passamaquoddy Reservation"

H.P. 969 L.D. 1379

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

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

Bill "An Act To Strengthen the Job Creation Through Educational Opportunity Program"

H.P. 899 L.D. 1296

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

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

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

COMMUNICATIONS

The Following Communication: S.P. 527

STATE OF MAINE
124TH MAINE LEGISLATURE

April 2, 2009

Sen. Elizabeth M. Schneider
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
124th Legislature
Augusta, ME 04333

Dear Senator Schneider and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Elizabeth Bordowitz of Portland for appointment as Chief Executive Officer of the Finance Authority of Maine.

Pursuant to Title 10 M.R.S.A. §972, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Following Communication: S.P. 535

STATE OF MAINE
124TH MAINE LEGISLATURE

April 6, 2009

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

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Sophia Wilson of Dover-Foxcroft for appointment to the Maine Workers' Compensation Board.

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

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 191

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

April 2, 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 Education and Cultural Affairs has had under consideration the nomination of Kevin P. McCarthy of Falmouth, for appointment to the University of Maine System, Board of Trustees.

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	Alfond of Cumberland, Weston of Waldo
	Representatives	9	Sutherland of Chapman, Casavant of Biddeford, Finch of Fairfield, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram, Richardson of Carmel, Wagner of Lewiston
NAYS		0	
ABSENT		2	Rep. McFadden of Dennysville, Sen. Schneider of Penobscot

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 Kevin P. McCarthy of Falmouth, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 192

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

April 2, 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 Education and Cultural Affairs has had under consideration the nomination of Eleanor M. Baker of Cape Elizabeth, for appointment to the University of Maine System, Board of Trustees.

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	Alfond of Cumberland, Weston of Waldo
	Representatives	9	Sutherland of Chapman, Casavant of Biddeford, Finch of Fairfield, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram, Richardson of Carmel, Wagner of Lewiston

NAYS 0
ABSENT 2 Rep. McFadden of
Dennysville, Sen. Schneider
of Penobscot

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 Eleanor M. Baker of Cape Elizabeth, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 190

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

April 1, 2009

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary O'Brien:

Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative William Browne of Vassalboro as a member of the Joint Standing Committee on State and Local Government for the duration of the absence of Representative Michael Celli of Brewer.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Hannah Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 197

**STATE OF MAINE
124TH MAINE LEGISLATURE**

April 1, 2009

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04330

Dear Secretary O'Brien:

In accordance with our authority under Title 12, Section 6447, we are pleased to appoint the following Senators and Representatives to the Lobster Management Policy Councils:

Zone A – Representative Anne C. Perry of Calais
Zone B- Representative Robert N. Eaton of Sullivan
Zone C – Representative Hannah M. Pingree of North Haven
Zone D – Representative Edward J. Mazurek of Rockland
Zone E – Senator Seth A. Goodall of Sagadahoc
Zone F – Representative Melissa Walsh Innes of Yarmouth
Zone G – Senator Nancy B. Sullivan of York

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

Thank You,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 198

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

April 1, 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":

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 7, 2009

- L.D. 284 An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time
- L.D. 325 An Act To Authorize the Resentencing of Certain Prisoners Who Have Served Consecutive Sentences of 20 or More Years
- L.D. 634 An Act To Create a Mandatory Sentence for Repeat Offenders of Sex Offenses against Victims under 12 Years of Age
- L.D. 747 An Act To Increase Split Sentencing Alternatives

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

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

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. 193

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

April 2, 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":

- L.D. 444 An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction
- L.D. 484 An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact
- L.D. 689 An Act Regarding Guardians Ad Litem

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. 199

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

April 2, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 320 Resolve, Regarding the Use of MaineCare for Catastrophic Illness
- L.D. 768 An Act To Improve the Dental Health of Children by Making Fluoride Treatments More Available
- L.D. 939 An Act To Amend the Laws Governing Assisted Living Programs

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 7, 2009

The Following Communication: S.C. 200

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

April 2, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 204 An Act Regarding the Conducting of Games of Chance by Nonprofit Organizations
- L.D. 531 Resolve, To Allow Jenny Powell To Sue the State
- L.D. 704 An Act To Allow Property Owners To Terminate Residential Leases That Do Not Contain Termination Language
- L.D. 900 An Act To Prohibit Payments to Persons Who Collect Signatures for the Direct Initiative or People's Veto of Legislation
- L.D. 901 An Act To Restrict the Size of Political Signs on Vehicles

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Pamela Jabar Trinward
House Chair

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

The Following Communication: S.C. 201

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

April 3, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 329 An Act To Increase the Prize Limit on Beano
- L.D. 371 An Act To Allow One Registration Fee for Multiple-town Poker Runs
- L.D. 534 An Act To Require Disclosure to a Potential Signer That a Circulator of Petitions for a Direct Initiative or People's Veto of Legislation Is Being Paid

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Pamela Jabar Trinward
House Chair

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

The Following Communication: S.C. 203

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

April 6, 2009

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

Dear President Mitchell and Speaker Pingree,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Adams of Portland, to report the following bill Leave to Withdraw:

- L.D. 1328 RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

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. 194

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

April 1, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 836 An Act To Amend the Laws Governing the Scallop Season

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: S.C. 195

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

April 1, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 762 Resolve, To Increase Reporting Transparency in State Government
L.D. 763 An Act To Clarify the Warrant Article Petition Process
L.D. 785 An Act To Use All Available Technologies To Provide Efficiencies in State Facilities

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

Sincerely,

S/Sen. Deborah L. Simpson
Senate Chair

S/Rep. Stephen R. Beaudette
House Chair

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

The Following Communication: S.C. 202

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

April 1, 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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 493 An Act To Provide Sensible Options for Tax Increment Financing Proceeds in Small Towns

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

The Following Communication: S.C. 196

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

April 1, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 383 An Act To Ensure That All Toll and Intermodal Transportation Facilities and Roadway Lighting within the Maine Turnpike Corridor Are Consistent with Maine's Quality of Place Goals
- L.D. 388 An Act To Ensure That Fair and Actual Funds from Maine Turnpike Authority Toll Receipts Be Given to the Department of Transportation Annually
- L.D. 648 An Act To Allow the Operation of Low-speed Vehicles on Higher-speed Roads
- L.D. 649 An Act To Reimburse Communities That Have Constructed Sand and Salt Sheds Rated Priority 3 and 4
- L.D. 661 Resolve, To Provide Equitable Tolls on the Maine Turnpike
- L.D. 664 Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Find Efficiencies in the Maine Transportation System

SENATE PAPERS

Bill "An Act To Ban Racial Profiling"
S.P. 526 L.D. 1442

Presented by Senator BLISS of Cumberland.
Cosponsored by Representative SOCTOMAH of the Passamaquoddy Tribe and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BOWMAN of York, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, JACKSON of Aroostook, MARRACHÉ of Kennebec, President MITCHELL of Kennebec, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: BECK of Waterville, BERRY of Bowdoinham, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CEBRA of Naples, CORNELL du HOUX of Brunswick, DILL of Cape Elizabeth, DRISCOLL of Westbrook, EVES of North Berwick, FLEMINGS of Bar Harbor, FLOOD of Winthrop, GILBERT of Jay, GOODE of Bangor, HANLEY of Gardiner, HARLOW of Portland, HINCK of Portland, HUNT of Buxton, WALSH INNES of Yarmouth, LEGG of Kennebunk, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, McCABE of Skowhegan, MITCHELL of the Penobscot Nation, MORRISON of South Portland, PERRY of Calais, PILON of Saco, Speaker PINGREE of North Haven, PIOTTI of Unity, PRATT of Eddington, PRIEST of Brunswick, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SCHATZ of Blue Hill, SIROIS of Turner, STEVENS of Bangor, STUCKEY of Portland, TARDY of Newport, VAN WIE of New Gloucester.

Bill "An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law"
S.P. 532 L.D. 1447

Presented by Senator DIAMOND of Cumberland.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Permit Charter Schools in Maine"
S.P. 522 L.D. 1438

Presented by Senator DAMON of Hancock.
Cosponsored by Representative PIOTTI of Unity and Senators:
ALFOND of Cumberland, MILLS of Somerset, Representatives:
CASAVANT of Biddeford, CHASE of Wells, KNIGHT of Livermore
Falls, RICHARDSON of Carmel.

Bill "An Act To Support the Center of Excellence for At-risk
Students" (EMERGENCY)

S.P. 528 L.D. 1443

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Speaker PINGREE of North Haven and Senator:
MILLS of Somerset, Representatives: BECK of Waterville, FITTS
of Pittsfield, RANKIN of Hiram, SUTHERLAND of Chapman.

Bill "An Act To Create the Maine Online Learning Program"
(EMERGENCY)

S.P. 531 L.D. 1446

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative PERCY of Phippsburg and
Senators: President MITCHELL of Kennebec, WESTON of
Waldo, Representatives: CASAVANT of Biddeford, JOHNSON of
Greenville, NELSON of Falmouth, Speaker PINGREE of North
Haven, SUTHERLAND of Chapman, WAGNER of Lewiston.

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

Sent down for concurrence.

Bill "An Act To Strengthen the Workplace Smoking Laws and
Other Laws Governing Smoking"

S.P. 513 L.D. 1429

Presented by Senator MILLS of Somerset.

Bill "An Act Regarding the Creation of Capitated Behavioral
Health Pilot Programs"

S.P. 517 L.D. 1433

Presented by Senator MILLS of Somerset.
Cosponsored by Senators: JACKSON of Aroostook, MARRACHÉ
of Kennebec, President MITCHELL of Kennebec, SHERMAN of
Aroostook, Representatives: BECK of Waterville, MARTIN of
Eagle Lake.

Bill "An Act To Amend Sentinel Events Reporting Laws To
Reduce Medical Errors and Improve Patient Safety"

S.P. 519 L.D. 1435

Presented by Senator BOWMAN of York. (GOVERNOR'S BILL)
Cosponsored by Senator: BARTLETT of Cumberland,
Representatives: Speaker PINGREE of North Haven, PRIEST of
Brunswick.

REFERRED to the Committee on **HEALTH AND HUMAN
SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Create Economic Development in the State by
Modernizing the State's Captive Insurance Laws"

S.P. 520 L.D. 1436

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and
Senators: BOWMAN of York, DAMON of Hancock, GERZOFKY
of Cumberland, McCORMICK of Kennebec, Representatives:
MORRISON of South Portland, PRESCOTT of Topsham,
RICHARDSON of Warren, WATSON of Bath.

Bill "An Act To Conform State Mortgage Laws with Federal Laws"
(EMERGENCY)

S.P. 523 L.D. 1439

Presented by Senator BOWMAN of York.
Cosponsored by Senator: McCORMICK of Kennebec,
Representatives: FOSSEL of Aina, LEGG of Kennebunk,
RICHARDSON of Warren.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

Bill "An Act To Protect Consumers and Small Business Owners
from Rising Health Care Costs"

S.P. 529 L.D. 1444

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Speaker PINGREE of North Haven and
Senators: ALFOND of Cumberland, BOWMAN of York,
MARRACHÉ of Kennebec, President MITCHELL of Kennebec,
Representatives: PERRY of Calais, PRIEST of Brunswick,
TREAT of Hallowell.

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

Sent down for concurrence.

Resolve, To Reform Public Retirement Benefits and Eliminate
Social Security Offsets

S.P. 515 L.D. 1431

Presented by Senator MILLS of Somerset.

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 7, 2009

Bill "An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay"

S.P. 525 L.D. 1441

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative BRYANT of Windham and Senator: BRYANT of Oxford, Representatives: CAMPBELL of Newfield, CLARK of Millinocket, DRISCOLL of Westbrook, EVES of North Berwick, GIFFORD of Lincoln, KNIGHT of Livermore Falls, RUSSELL of Portland, THERIAULT of Madawaska, TUTTLE of Sanford.

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

Sent down for concurrence.

Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

S.P. 521 L.D. 1437

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative CORNELL du HOUX of Brunswick and Senators: DIAMOND of Cumberland, MARRACHÉ of Kennebec, SIMPSON of Androscoggin, SULLIVAN of York, Representatives: BEAULIEU of Auburn, TRINWARD of Waterville.

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

Sent down for concurrence.

Bill "An Act To Create a Saltwater Recreational Fishing Registry"

S.P. 516 L.D. 1432

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Representative MCKANE of Newcastle and Senators: BRYANT of Oxford, RAYE of Washington, RECTOR of Knox, Representatives: CLARK of Millinocket, EATON of Sullivan, KRUGER of Thomaston, MacDONALD of Boothbay, PENDLETON of Scarborough.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act Regarding Asbestos Abatement Work"

S.P. 518 L.D. 1434

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Senator: BRYANT of Oxford, Representatives: HINCK of Portland, WAGNER of Lewiston.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act Regarding the Pay of Tribal Representatives" (EMERGENCY)

S.P. 512 L.D. 1428

Presented by Senator BLISS of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and Senators: ALFOND of Cumberland, BOWMAN of York, CRAVEN of Androscoggin, GERZOFISKY of Cumberland, HASTINGS of Oxford, President MITCHELL of Kennebec, NUTTING of Androscoggin, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: BEAULIEU of Auburn, BERRY of Bowdoinham, BRYANT of Windham, CLEARY of Houlton, CROCKETT of Bethel, DILL of Cape Elizabeth, HILL of York, KRUGER of Thomaston, MARTIN of Eagle Lake, MITCHELL of the Penobscot Nation, NASS of Acton, Speaker PINGREE of North Haven, STEVENS of Bangor.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Clarify and Strengthen the State's Motor Vehicle Laws"

S.P. 530 L.D. 1445

Presented by Senator DAMON of Hancock.
Cosponsored by Representative MAZUREK of Rockland and Senator: PERRY of Penobscot, Representative: BROWNE of Vassalboro.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation"

S.P. 524 L.D. 1440

Presented by Senator DAVIS of Cumberland.
Cosponsored by Senators: HASTINGS of Oxford, MILLS of Somerset, Representatives: HILL of York, ROSEN of Bucksport, WEAVER of York.

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

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

Bill "An Act To Ensure Electric Capacity To Serve Maine Consumers"

S.P. 514 L.D. 1430

Presented by Senator BOWMAN of York.

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

Sent down for concurrence.

Pursuant to Statutes

Commission on Governmental Ethics and Election Practices

Senator SULLIVAN for the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 1, section 1009 asked leave to report that the accompanying Bill "An Act To Exempt Volunteer Lobbyists from State Disclosure Requirements"

S.P. 534 L.D. 1448

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Order

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

S.P. 533

ORDERED, the House concurring, that notwithstanding H.P. 0063, the Joint Select Committee on Maine's Energy Future shall submit its findings and recommendations along with any necessary implementing legislation to the 124th Legislature by May 15, 2009.

READ.

Pursuant to Joint Rule 103, the affirmative vote of two-thirds of the members present and voting required for Passage. 32 Senators having voted in the affirmative and no Senators having voted in the negative, with 32 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**.

Ordered sent down forthwith for concurrence.

Expressions of Legislative Sentiment recognizing:

Morgan Frame, of Waterville, a senior at Waterville High School, who was named the Gatorade Maine Girls Basketball Player of the Year, the first winner of the award from Waterville. Morgan is also the Kennebec Valley Athletic Conference Player of the Year and winner of the state's Miss Basketball award. We extend our congratulations on her receiving these honors;

SLS 112

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Representatives: BECK of Waterville, TRINWARD of Waterville.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President. Men and women of the Senate, I just wanted to join in congratulating Morgan Frame for winning such honors and making Waterville very proud of her and the team. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Morgan Frame. Would she please stand and receive the congratulations of the Maine Senate.

The Purple Panthers Cheerleading Squad from Waterville High School, on its winning the Kennebec Valley Class B Cheerleading Championship. We extend our congratulations and best wishes to all of the members of the squad and their coaches;

SLS 116

Sponsored by Senator MARRACHÉ of Kennebec.
Cosponsored by Representatives: BECK of Waterville,
TRINWARD of Waterville.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President. Men and women of the Senate, I rise again to congratulate the cheerleading squad for winning in their division. They could not be with us, they are not in the gallery, but we have with us 64 people coming from all of the Class A Girls' Soccer Championship team, the Class B Indoor Track team, Class B Girls' Basketball team, and the Class A State Championship Hockey team. They are all joined by Morgan Frame, as well. Everybody got the letter, all of the women except for me and another member, and they are wearing purple today. That is because today is purple day. I also would like to have them all congratulated. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The cheerleaders are not here today and many of the talented young people with the Purple Panthers stood earlier, but would you stand once again and let us congratulate you once more.

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

Joint Resolution

On motion by Senator **HOBBINS** of York (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, 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, 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, BOLDOC 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), the following Joint Resolution:

S.P. 470

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is a potentially devastating and immobilizing progressive disorder of the brain and spinal cord that cause paralysis, tremor, depression and isolation and is unpredictable in its outcome; and

WHEREAS, Parkinson's disease is estimated to affect approximately 7,000 adults, an unknown number of children and numerous care providers in the State each day; and

WHEREAS, each Parkinson's disease patient requires, in a typical week, an estimated 7 caregivers, so that the number of people directly affected by Parkinson's disease is close to 50,000 each week in the State; and

WHEREAS, Parkinson's disease symptoms are neither understood nor clearly identified for either the medical community or the general public, creating distress and danger in the lives of Parkinson's patients, especially those who are arriving at emergency rooms in the State's hospitals; and

WHEREAS, upon arrival at an emergency room, Parkinson's patients are exposed to untrained medical personnel, causing inaccurate assessments; and

WHEREAS, there are just 2 movement disorder neurologists specializing in the State in Parkinson's disease, one in Scarborough and one in Westbrook, making access limited and causing treatment to be insufficient for prospective patients; and

WHEREAS, in order to save lives, there is an urgent need to fund and enact a plan to train, inform and educate emergency room personnel, law enforcement, firefighters, other public safety workers, emergency medical services' personnel, directors of transportation and supervisors of state parks and recreational areas; and

WHEREAS, there exists a network of 15 Parkinson's support groups statewide, located in Augusta, Waterville, Greater Bangor, Biddeford, the Blue Hill area, Bath, Brunswick, Cape Elizabeth, Camden, Greater Portland, Lewiston, Norway, Westbrook, Yarmouth and York and 2 other groups, a younger onset group in Brunswick and a Parkinson's Plus group in South Portland; and

WHEREAS, the Maine Chapter of the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Centers are all jointly established at a central resource at the Maine Medical Center campus in Falmouth and satellite resources exist in all MaineHealth Learning Resource Center locations, including Norway, Scarborough, Falmouth, Portland and Maine Medical Center's East Tower; and

WHEREAS, April 11th is known globally as World Parkinson's Day, and April is Parkinson's Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to express our support for and commitment to all efforts being made by the Parkinson's disease community to

close the gaps in funding, services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society, the Maine Chapter of the American Parkinson Disease Association, the MaineHealth Learning Resource Center in Falmouth and the University of New England Medical School.

READ.

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

Senator **HOBBS:** Thank you very much, Madame President. Men and women of the Senate, I proudly submitted this Joint Resolution on behalf of Mr. Ivan Sussman, who is an advocate of Parkinson's patients and a patient himself. I am pleased that Mr. Sussman is here with us today. His passion and advocacy on behalf of Mainers with Parkinson's Disease is an inspiration for all of us. This disease is a potentially devastating and immobilizing progressive disorder of the brain and the spinal cord, causing paralysis, tremor, depression, and isolation, and is unpredictable in its outcome. Parkinson's affects an estimated 7,000 adults and an unknown number of children and their care providers here in Maine each day. Each patient requires an estimated seven care giving days per week. Currently there are only two movement disorder neurologists specializing in this disease in Maine; one in Scarborough and one in Westbrook. This limits access for patients, particularly those from northern Maine. We are still researching and striving to gain a greater understanding of Parkinson's. Maine needs more trained caregivers and greater education on the particular needs of Parkinson's patients. Since April 11th is known globally as World Parkinson's Awareness Day, this resolution is an excellent opportunity to express our support for the Parkinson's Disease community by doing whatever we can to close the gap in services and education. It is an honor for me to be the sponsor of this Joint Resolution and I move it's adoption.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President. Men and women of the Senate, I rise too to recognize April as Parkinson's Disease Awareness Month. It is a very common disease but uncommonly it is not diagnosed as early as it should. Signs and symptoms are very subtle and they are easily dismissed. It is something you really need to start picking up on more because there are a lot of things out there to help patients who have Parkinson's Disease but they just have to get the connections to the services and the providers that are there. I too wish to stand and join in recognizing this as well. Thank you.

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

Senator **BLISS:** Thank you, Madame President. I have known Ivan Sussman for a very long time. He's been a tireless advocate for this cause. I'm delighted that he is here to hear us move forward with this very important issue. I just want to offer him my

congratulations and appreciation for him to take the initiative to come forward with this. Thank you, Madame President.

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

Senator **SMITH:** Thank you, Madame President. I just wanted to say a brief word as a Senator from a family that Parkinson's has had an impact on directly and just to thank Mr. Sussman, the good Senator from York, Senator Hobbins, and the other many co-sponsors of this resolution for bringing it forward. I can tell you from first hand experience that this disease is a very devastating one. It impacts a family greatly. It ripples throughout the generations when it strikes. It is a difficult situation that does arise. I applaud the efforts that are being made in this area and encourage them. Thank you.

On motion by Senator **HOBBS** of York, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize Mr. Sussman in the rear of the chamber. I would ask him to wave and accept the greetings of the Maine Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Department of Professional and Financial Regulation To Amend Its Rules Governing Pastoral Counselors (EMERGENCY)
H.P. 7 L.D. 12

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-22)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-22)**.

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

READ ONCE.

Committee Amendment "A" (H-22) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program"

H.P. 78 L.D. 94

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-20)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20)**.

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

READ ONCE.

Committee Amendment "A" (H-20) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Requirement That the Treatment of a Gunshot Wound Be Reported"

H.P. 222 L.D. 282

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-19)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19)**.

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

READ ONCE.

Committee Amendment "A" (H-19) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Change the Coyote Night Hunting Season"

H.P. 47 L.D. 54

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-29)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29)**.

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

READ ONCE.

Committee Amendment "A" (H-29) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Election of Municipal Charter Commission Members" (EMERGENCY)

H.P. 29 L.D. 34

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-17).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17).**

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

READ ONCE.

Committee Amendment "A" (H-17) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County

H.P. 337 L.D. 449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-18).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18).**

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

READ ONCE.

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act Relating to Autocycles"

H.P. 131 L.D. 152

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-25).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-25).**

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

READ ONCE.

Committee Amendment "A" (H-25) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner"

H.P. 237 L.D. 297

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26).**

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

READ ONCE.

Committee Amendment "A" (H-26) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Include Trucks in the Definition of 'Low-speed Vehicle'"

H.P. 324 L.D. 436

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-24).**

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

READ ONCE.

Committee Amendment "A" (H-24) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate the Protection of Electric Utility Consumer Interests in Public Utility Commission Cases Involving the Construction, Rebuilding or Relocating of Transmission Lines"
H.P. 126 L.D. 147

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23).**

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

READ ONCE.

Committee Amendment "A" (H-23) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Support Maine State Parks"
H.P. 400 L.D. 562

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-30).**

Signed:

Senators:
NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:
PIEH of Bremen
McCABE of Skowhegan
GIFFORD of Lincoln
SMITH of Monmouth
KENT of Woolwich
O'BRIEN of Lincolnville

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

Signed:

Representative:
PERCY of Phippsburg

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-30).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-30) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence
H.P. 102 L.D. 117

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-16).**

Signed:

Senators:
SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:
BOLAND of Sanford
CELLI of Brewer
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland

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

Signed:

Representatives:
HAYES of Buckfield
SCHATZ of Blue Hill

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-16)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-16) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle" H.P. 35 L.D. 40

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

Signed:

Senators:
DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:
MAZUREK of Rockland
PEOPLES of Westbrook
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
BROWNE of Vassalboro
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-31)**.

Signed:

Representative:
HOGAN of Old Orchard Beach

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Require a Person under 18 Years of Age To Wear a Helmet While on a Motorcycle"

H.P. 325 L.D. 437

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

Signed:

Senators:
DAMON of Hancock
GOOLEY of Franklin
PERRY of Penobscot

Representatives:
MAZUREK of Rockland
HOGAN of Old Orchard Beach
ROSEN of Bucksport
THERIAULT of Madawaska
HARLOW of Portland
PEOPLES of Westbrook
CAREY of Lewiston
THOMAS of Ripley

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

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

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT 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 (#32)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator **MILLS** for the Committee on **LABOR** on Bill "An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission"

S.P. 246 L.D. 672

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 **ALFOND** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Preserve Statewide Public Broadcasting"

S.P. 89 L.D. 266

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

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

READ ONCE.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **DAMON** for the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Penalty for Harvesting Scallops in a Conservation Area"

S.P. 31 L.D. 82

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-28)**.

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

READ ONCE.

Committee Amendment "A" (S-28) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **PERRY** for the Committee on **TAXATION** on Bill "An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns" (EMERGENCY)

S.P. 189 L.D. 490

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-36)**.

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

READ ONCE.

Committee Amendment "A" (S-36) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Directing the Secretary of State To Conduct a Pilot Program for Early Voting for the November 2009 Election

S.P. 48 L.D. 129

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

Signed:

Senators:
SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I would ask you to vote against the pending motion. The bill before you asks you to allow a pilot project to consider developing an early voting program in the state of Maine. The very next bill on the calendar asks you to amend the Constitution to allow early voting in the state of Maine. If we have to amend the Constitution in order to do the early voting, there is a question as to whether we should be doing the pilot ahead of the Constitutional change. The Constitution provides for Election Day, not for election ten days. As much as access to voting is important, I submit that integrity of the ballot is just as important. I would urge you, again, to vote no on this and we'll move on to the next item. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, just as I'm fumbling through my little copy of the Constitution, I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. I'm wondering if through the committee process if anybody on the committee sought out an Attorney General opinion with regards to the early voting in connection with the next bill that we will be discussing?

THE PRESIDENT: The Senator from York, Senator Courtney poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. First, I would say that I'm not concerned with the next bill yet. We're still on this bill. I would say that the pilot program is the same pilot program that we have allowed before. The pilot program was with small communities, one of them being Readfield, and large communities, Portland. That was due to sunset with this last very large turnout. In order to move ahead with the next bill when we get there, which we have talked with the Attorney General but I'll pretend I didn't answer that question yet, you don't have to listen to me then. All this would be at the request of the municipalities. For many municipalities, they cannot handle in one day. Certainly when the Constitution called for Election Day there was not the population that we have, the travel. Many people grew up and stayed right in the home that they were born in. Our rules today do not allow for this. We're not too busy, unfortunately too many are too busy, but our lifestyles are such that we travel, commute to Boston, commute to an hour or two hours away. You leave before the polls open and after polls close. The pilot program is simply a chance to work out bugs, make sure things happen, and only with those communities that are sure they are able to go ahead. Whether they be big or small, each of those offer some concerns. It's only right that we ask people to participate in pilots. Very few programs start with no pilot programs, no chance to try it on a small scale. This is nothing different than what we've had before. This bill is the first one we're on, item 5-19. I would ask you to support this Majority Report.

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

Senator **PLOWMAN:** Thank you, Madame President. The Constitution gives no authority for us to have a pilot project. It says that we may provide for people to vote by absentee ballot if they are physically or for reasons deemed sufficient to be accommodated. It doesn't say that we can run a pilot project. It does say that when you are having statewide offices run that the election will be held on a certain day. In fact, the last pilot project is not before you as evidence because it was run in a year when we actually State Representatives and Senators, which was in direct violation of the Constitution. That is why there is another early voting pilot project coming before us. The reason that has been given to us is that there will be no statewide offices on the next Election Day. There will, however, be statewide issues including a half a dozen referendum issues, bond issues, local candidates, and should any of these municipalities have any special election for State or Federal representatives they would not be able to participate in the project. I would point out to you that we have all kinds of safeguards in place for absentee balloting. There is nothing except the absolute question in your bill as to what we will allow for early voting. The procedures are not set up. The integrity of the polling place has not been set up. When asked if there would be two ballot clerks, one from each party, handing out ballots the answer was, 'We could arrange that for you if it would make you feel better.' Well, I'd like to know those things in advance. I'd like to know how much is going to make me feel better about the integrity of the ballot. The

emphasis for a very long time has been on access, access, access. That's wonderful as long as you can assure me that every ballot that is cast and goes in a box for two weeks, up to ten days, has the same integrity as the ballot that is going to be cast on Election Day. If you read the bill, it's a simple question with nothing to back it up. That's not my idea of integrity. That's not my idea of protecting everyone's right who has voted that they will not be disenfranchised after they have cast their vote. It's just important to make sure that the ballot stays a legitimate ballot after it is cast as it is to make sure that the person has access to the ballot. I would ask that you deny this and then we go on to discuss whether we are even going to consider that the state should do early voting. This bill is a little bit out of order. I would appreciate it if you would consider that when you are voting. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion. As the discussion has gone on, I've pulled out my copy of the Maine Constitution and wanted to be sure that what we are doing does not contradict the terms of the Constitution. I feel confident that it does not. When it comes to the process in terms of ballot clerks and some specific procedures around the towns, there is nothing in the Constitution specifically dealing with that with the exception of voting machines, which indicates that they may be used so long as the right of secret voting shall be preserved. As to the process and how it is set up, the Constitution does not provide any barrier. In the terms of absentee ballots, read the full clause. It says, 'The Legislature, under proper enactment, shall authorize and provide for voting by citizens of the state absent wherefrom in the Armed Services of the United States or this State and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.' Therefore this legislature can deem as sufficient that being absent on Election Day is purely the preference of that individual. There is nothing in the Constitution that I can find that specifically prohibits this bill from going forward and therefore I feel confident in supporting it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#33)

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

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

ABSENT: Senator: MARRACHE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Regarding Early Voting
S.P. 114 L.D. 350

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-35)**.

Signed:

Senators:
SULLIVAN of York
GOODALL of Sagadahoc

Representatives:
CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

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

Signed:

Senator:
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **SULLIVAN:** Thank you, Madame President. Again, the outcome of this will not be surprising. It's a 2/3. It asks for a change to the Constitution to allow the early voting program that we are going to be working on, and have been working on. I will proudly cast my vote because I believe that it is public policy and we should do everything in our power to be sure that people are able to vote, that they are able to cast their vote, at a time that is convenient for their lifestyle. If a November vote tends to be a cold, bitter time, and you are looking a week ahead of time and trying to trust the weatherman, and I'm not sure if that is always a good thing to do, but somebody on a beautiful Fall day, early winterish day, might say, 'I think I'll go and vote today because I'm not sure what the weather will be like next week' or 'I may have to go and do grocery shopping today and I think I'll stop by and vote'. I believe that public policy does allow you to vote, it should allow you to vote, early if you so desire. Not early and often, but early. I will proudly cast a vote saying that for the Maine citizen that finds they want to cast that vote but for whatever reason, maybe they scheduled surgery, and they don't want to make the extra trip out. There are just a variety of reasons that people may very well want to vote early. I will cast my vote in favor of that, believing that a Democracy runs better when more people have a chance to vote. I am not ashamed at all of taking that stance. Thank you very much.

Same Senator requested a Roll Call.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I agree with the good Senator. Absentee voting is a great idea and we have it. There is a difference between early voting and absentee voting. Early voting is what you just five minutes ago said you'd like to see how it works. Five minutes later you've been asked to amend the Constitution of the State of Maine. Frankly, I'm not for back-loading the Constitution. I don't think any of us should be. People who cannot appear at the polls on Election Day have access. They can request a ballot online, by mail, on the telephone, in person, or with a representative on their behalf. Five ways to get an absentee ballot. You may have it delivered. You may have it picked up. You may have it mailed. You may drop it off yourself. Four ways to get it back. The clerk's office is open the whole time. Your clerk's office, depending on how big your town is or how small it is. We have access. What you have just been asked to do is to study how it works. What you are now being asked to do is approve it before you even see the study. Now, that's not exactly the way the Maine Legislature is known for working and sometimes that is a good thing. Today it's a good thing. Slow it down. Back-loading the Constitution has never been a good idea and I would urge you to oppose the pending motion and wait for the results. Thank you.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Promote Clean Waters in the State"
S.P. 79 L.D. 229

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

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
SMITH of Piscataquis

Representatives:

HAMPER of Oxford
KNAPP of Gorham
MARTIN of Eagle Lake
EBERLE of South Portland
DUCHESNE of Hudson
EDGEComb of Caribou
WALSH INNES of Yarmouth
AYOTTE of Caswell
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" (S-34)**.

Signed:

Representative:

BOLDUC of Auburn

Reports **READ**.

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on State and Local Government"
S.P. 256 L.D. 681

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

Signed:

Senators:
SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:
BOLAND of Sanford
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-29)**.

Signed:

Representative:
COTTA of China

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Reduce Income Tax on Capital Gains"
S.P. 233 L.D. 618

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

Signed:

Senators:
PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
BRYANT of Windham
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
VALENTINO of Saco

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-37)**.

Signed:

Senator:
NASS of York

Representatives:
LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls
SIROIS of Turner

Reports **READ**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

Eight members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Calculate the School Year by Number of Hours" (EMERGENCY)
S.P. 86 L.D. 245

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-31)**.

Signed:

Senator:
WESTON of Waldo

Representatives:
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-32)**.

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
RANKIN of Hiram

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

FINCH of Fairfield

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-32).

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-32).

SECOND READERS

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

House

Bill "An Act Concerning Cremated Remains"
H.P. 501 L.D. 718

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

House As Amended

Bill "An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake" (EMERGENCY)
H.P. 28 L.D. 33
(C "A" H-12)

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
(C "A" H-11)

Resolve, Regarding the Retention of Dealer Plates in Light of Recent Economic Conditions

H.P. 386 L.D. 541
(C "A" H-10)

Resolve, To Allow the Department of Transportation To Transfer Certain Land to the Greater Grand Isle Historical Society
H.P. 392 L.D. 554
(C "A" H-9)

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

Senate

Bill "An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships"
S.P. 203 L.D. 508

Bill "An Act To Amend the Charter of the Milo Water District"
S.P. 373 L.D. 994

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

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
(C "A" S-23)

Bill "An Act To Make Technical Corrections to the Operating Under the Influence Laws"
S.P. 66 L.D. 180
(C "A" S-24)

Bill "An Act To Rename Certain Unorganized Townships in Washington County"
S.P. 234 L.D. 619
(C "A" S-26)

Bill "An Act To Provide That the Assessor and Treasurer Are Incompatible Municipal Offices"
S.P. 286 L.D. 739
(C "A" S-27)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act Pertaining to the Quality Child Care Education Scholarship Fund

H.P. 76 L.D. 92

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Raise the Fee a Bail Commissioner May Charge
S.P. 77 L.D. 227

An Act To Update the Casco Bay Island Transit District Enabling Law

H.P. 358 L.D. 513

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

Senate at Ease.

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/26/09) Assigned matter:

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

S.P. 423 L.D. 1132

Tabled - March 26, 2009, by Senator **BARTLETT** of Cumberland

Pending - **FURTHER CONSIDERATION**

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

(In House, March 25, 2009, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.)

On motion by Senator **SIMPSON** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (3/26/09) Assigned matter:

Bill "An Act To Create Incentives for the Consolidation of Municipal Services"

S.P. 453 L.D. 1220

Tabled - March 26, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/2/09) Assigned matter:

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

Tabled - April 2, 2009, by Senator **BRANNIGAN** of Cumberland

Pending - **REFERENCE**

(In House, March 31, 2009, **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.

The Chair laid before the Senate the following Tabled and Later (4/2/09) Assigned matter:

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

H.P. 895 L.D. 1289

Tabled - April 2, 2009, by Senator **BLISS** of Cumberland

Pending - **REFERENCE**

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

(In House, March 31, 2009, **REFERRED** to the Committee on **JUDICIARY**.)

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce Income Tax on Capital Gains"
S.P. 233 L.D. 618

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-37)** (5 members)

Tabled - April 7, 2009, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 7, 2009, Reports **READ**.)

Senator **PERRY** of Penobscot requested a Roll Call.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is our first tax debate of the year. It's a big issue for us. We have had a lot of discussion in the committee and here about the benefits of reducing taxes on income. This is one part of that. A significant part. Capital gains in Maine are treated as income. There really is no difference between a dollar of salary and a dollar earned from capital gains as far as Maine goes. We, I think, have established, at least in my mind, the benefits of reducing income taxes. We'll debate that a lot more this year under the guise of tax reform. This is a proposal which would flat out reduce capital gains tax in half. The benefit of reducing income tax is no less here. The question then becomes one of how to pay for it. There is no doubt about this proposal. It is important but it's expensive. In the end, at the end of the day, I voted for this because it's something we can do to improve our economy in a dramatic fashion and we can pay for it. That's outside of the scope of this. The fiscal note on this large, somewhere between \$100 million and \$120 million in a biannual package. It's enough to make anybody swallow. There is no doubt about that. It's very doable but that is outside of the scope

of this. When you look at issues where Maine is outside of other states as far as some of our major expenses, we have collectively agreed, at least on this side of the aisle, that we need to move ourselves back in that direction. This is not a large sum of money. We're left with this as a stand-alone proposal with a big fiscal note. The other thing that I think is important to say about this, with the economy the way it is now and capital gains likely to take a significant downfall, we're about to find out how big in a couple of weeks, this is a lot less expensive to do now than it will be at whatever point we figure out we have enough votes to do this. I think that's a significant fact we need to recognize. At that point, Madame President, I would just stop the debate and let's vote.

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

Senator **PERRY:** Thank you, Madame President. I don't intend to debate this long. I think the fiscal note speaks for itself. \$100 million out of State funds and another \$250 million a year out of your local revenue sharing funds. If you look at the tax incident analysis, you'll notice that the bottom 10% of wage earners, those earning under \$11,000 a year, pay almost 15% of their wages in state and local taxes combined. Then if you skip up to the top 10%, over \$106,000 a year, slightly under 10%. It may be important that we look at a different capital gains rate but it really doesn't do anything to help progressivity. In fact it might make that situation worse. \$800 million we have in this budget we are trying to close with the likelihood of revenues being estimated down in the future with possibly another supplemental budget this current year. I think back to a debate we had in the other Body eight or ten years ago. There was a bill that removed income tax for retirees. As we sat through hours of debate we all decided to vote for it, knowing that it had a several hundred million dollar fiscal note. Why did we want to stick out necks out and vote against this on a roll call down in the other Body? We all voted for it. Unfortunately, the headlines in the next paper would have lead people, retirees, to believe we were going to do that. It's not fair to the public to lead them on on something that I really question if the money is there. \$100 million on top of what we've got. If we want to cut the capital gains rate we do have a tax reform proposal that will be coming forward that cuts that rate by 23%, was written now. That is a major step in the right direction. It also cuts the income tax for everyone and it does preserve progressivity. If we're serious about getting this done we've got a bill coming. We're not cutting it in half but we'll get half of that half this year and then we'll continue to work. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion. To briefly make the point, I've been in the legislature now, this is my fifth year. Every single year that I'm here there are bills like this from both sides of the aisle that come forward with enormous fiscal notes that we are left to deal with. In the ordinary course, we refer those all down to the Appropriations Committee and let them sort through them. This isn't an ordinary year. We all know we are in a fiscal crisis due to the economic downturn we are experiencing. The Appropriations Committee has been working on overdrive, and will be for a good time into the future, trying to get a head around

the fiscal situation that we are facing. It seems to me that if ever there was a year to avoid and to stop the charade that the Senator from Penobscot, Senator Perry, spoke of by sending things to Appropriations to move around the table, this is the year. This is the year for us, in a bipartisan way, to stand up and say, 'We know we both have priorities that cost a lot of money, but we're just not going to play this game this year.' The stakes are too high and the people's business is too important to be dragged down this year. Thank you.

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

Senator **SMITH:** Thank you, Madame President. I rise as the sponsor of this bill to assure the previous speaker that this is not a game or a charade as far as I am concerned. I represent Senate District 27. As I've described many times this year, it goes from 195, Palmyra, Hartland, all the way to Patten and beyond. In between the highest unemployment rate in the state can be found in several different places. In Millinocket it is currently 15% plus. In Dover-Foxcroft it's 10% to 12%. Many small towns have higher unemployment rates. This bill is not going any place. I know that, but I'm going to continue to bring these bills, whether they are regarded as charades or not, because this Body needs to hear this message. There is only one way we are going to create jobs in this state and that is to create the circumstances that will allow them to be created. They don't drop out of trees. They don't fall from heaven. You have to have the right tax structure in order to do that. What precedes jobs is capital investment. This bill strikes right at the heart of it. Maine's capital gains tax needs to have a differential. It should not be regarded as earned income. The reason that you have capital gains differentials is to create jobs. There is no other reason for it. I stand here today as perhaps the Senator with the highest unemployment in his District in this state who knows that Maine has failed time and again to achieve its goals in this area. The measures of growth that just came out here a month ago for the umpteenth time tells us that goals that have been set up by the Maine Development Foundation, which we all give support to when that report comes out each year, again tells us that we're falling massively short of making the effort, making the sacrifice, necessary in order to achieve those goals. The Presiding Officer spoke of bold ideas when we started this session. Here's a bold idea designed to put people back to work. We're not going to achieve the kinds of economic renaissance that Maine needs without these kinds of ideas. To stand here before this Body and call a bill such as this a charade is a bit offensive to me, personally, and to my Senate District, which is hurting badly right now. I will tell you, as long as I'm in this Senate I'm going to stand here and give these speeches as long as I have the strength to do so and as long as I'm returned to this Senate. I hope sometime one of these ideas will catch fire with the majority of this Body so that we can put the people of Maine back to work, get capital investment started once again, and transform this state in the many ways in which we all want it to be. I thank you very much for your time.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, listening to the debate and our efforts to

create a bipartisan atmosphere, I feel that it's borderline questioning some of the motives of the people that have put this bill forward and supported it. I don't think that is the intent of any member. The word charade specifically would invoke that there was a disingenuous piece of this and there absolutely is not. We heard about being honest with the public and I think that if we really make a commitment to passing this we could honestly fund it because I think it should be a priority. We see stimulus money flowing around here. \$100 million over two years is the tail of a pen writing a stimulus check that is flowing around here day after day. It's about priorities. We also heard about helping the people at the lower end of the spectrum. I will tell you there is no better way that we could help them than to give them a job and help create a job. If you want to create jobs in this state let's pass this bill and let's get down and get serious about trying to fund it on the Appropriations Table. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. I rise first to apologize if my choice of words was offensive to any member of this Body. It was not my intent. I was simply trying to refer to anyone's motives or any particular bill but rather to a process that I think gets over utilized in this chamber. Simply to pass things through to Appropriations and letting them do the dirty work of killing things that we can't fund. I welcome bold ideas. I hope we have a lot of them this session in a wide variety of areas, but bold ideas require some bold funding and some bold decisions on that side as well. I am very open to considering any tax cut proposal that is brought forward but it is important that when it gets to this floor we understand that we've got to fund it. If we can't fund it, then that is where the buck needs to stop, right here and not with the good people on the Appropriations Committee.

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

Senator **DIAMOND:** Thank you, Madame President. Men and women of the Senate, I would first off like to congratulate the Senator from Piscataquis, Senator Smith, for continuing with this effort on capital gains. I have to deal with capital gains in my business every year and 23.5% with 8.5 plus 15 becomes a real issue. Something like this is attractive. I'm glad he has already said on the record he's going to continue to put these ideas forward. What we are dealing with downstairs on the second floor in Appropriations is a hint on the revenue projects of between \$350 and \$500 million that we are extended beyond what we had planned for to meet in our budget. On April 28th when we get the real numbers, we know it's going to be between those two. The lesser number, \$350 million, up to maybe \$500 million. My concern, again as has been stated by others, is do we toss that \$120 million fiscal note on top of what we are already dealing with and can we do that in a sincere and legitimate way? I don't think we can right now. It doesn't mean the issue isn't real. It doesn't mean it's not an issue we should be dealing with. It certainly doesn't mean that the bipartisan efforts that have been made to this point are anywhere near affected by this discussion. We certainly need to continue to have those. I think it's a matter of reality. We just cannot, and I cannot imagine nor would I imagine anybody else on the committee, be tossing another \$120 million at us after we tossed what we are going to get at the end of April.

All of these sound like bad news, and indeed it is, but the good news is that we still have ideas coming. There is an appropriate time and place for those, but in reality we just cannot deal with another \$120 million right now. Thank you, Madame President.

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

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

Senator **SMITH:** Thank you, Madame President. Just another couple of words, Madame President. In response to the good Senator from Cumberland, Senator Diamond, I appreciate his kind words. Maine is going to continue to see the kinds of revenue shortfalls that we're seeing today and that we saw last year and the year before so long as we do not position this state for economic growth. That's what this argument is about. It's about positioning our great state so that we have a more vibrant economy that will produce more revenue as well as jobs. There are interrelated. I know you know that and I just wanted to say, for the record, that we're not going to get out of this fiscal problem that we're in even in good times without addressing the issue of the underlying economic policies that are dragging this economy down. I thank you for your time.

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

Senator **SCHNEIDER:** Thank you, Madame President. I wish to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you, Madame President. I am wondering if any supporters have thoughts as to where the money would come from to fund this revenue shortfall?

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President. Men and women of the Senate, it is a little bit outside of the scope of this, but I think two things come to mind. One, inevitably so far as we've had debates or discussions about tax reform we get confused with revenue shortfall problems and our need for structural changes. As the Senator from Piscataquis, Senator Smith, has already reminded us, we can't necessarily think that we are going to be able to take care of both of them at once. To confuse revenue shortfall with all of its unintended issues and to ignore the need for structural changes so we can improve our economy, I think, is somewhat shortsighted. To answer the question, Madame President, we just need to look for structural changes in our Medicaid program, where are costs are running much higher than they are in other parts of the country. My other two favorite topics are class size and special ed where are costs are running higher than they are in other jurisdictions, other states. We need structural changes there, separate from our revenue shortfall, which is momentous. There is no doubt about

it. We can and should be having discussions about doing both. I believe we can. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#34)

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

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

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

Sent down for concurrence.

Off Record Remarks

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

NOMINATION - of Kevin P. McCarthy of Falmouth for appointment to the University of Maine System, Board of Trustees

Tabled - April 7, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 7, 2009, Communication (S.C. 191) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, READ and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#35)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Kevin P. McCarthy** of Falmouth for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

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

NOMINATION - of Eleanor M. Baker of Cape Elizabeth for appointment to the University of Maine System, Board of Trustees

Tabled - April 7, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 7, 2009, Communication (S.C. 192) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#36)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Eleanor M. Baker** of Cape Elizabeth for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting S.P. 114 L.D. 350

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-35)** (8 members)

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

Tabled - April 7, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

(In Senate, April 7, 2009, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#37)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-35) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/31/09) Assigned matter:

Resolve, To Evaluate Climate Change Adaptation Options for the State

S.P. 163 L.D. 460

Tabled - March 31, 2009, by Senator **RAYE** of Washington

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 31, 2009, **READ A SECOND TIME.**)

On motion by Senator **HASTINGS** of Oxford, Senate Amendment "A" (S-25) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. Members of the Senate, you may recall the bill itself came up earlier in today's session, which may have been a week or two ago. The bill is a resolve for the Department of Environmental Protection to create a stakeholder group to study the effects of climate change and perhaps to suggest legislation. That is not my concern. I think that's a fine purpose. My concern deals with the final portion of the bill. My amendment deals with the funding of this study. As written, the resolve authorizes the Department of Environmental Protection to accept public and private funds to pay for the cost of preparing the report. My amendment strikes that and replaces it with a section that the cost of preparing the report must be borne by the Department from its existing resources. Here is my reasoning for that. My concern is that stakeholders, those invited to the table, should never be under the impression, whether false or not, that there may be a price tag to gain admission. I know that is not the Department's intent. The Department I'm sure is just trying to raise this money to prepare the report but there is the perception out there, very possible perception, that there is a price tag to get at that table and if they pay a larger amount towards the cost there may be a perception from those who didn't that somebody got a better seat

at the table. Maybe somebody who doesn't get admission to the table believes it's because that party didn't put the money up, didn't contribute to the fund. I think that's totally inappropriate for this Body and this legislature to do that. If it's important enough for the legislature, through action, to create a stakeholders group to study the potential for legislation in any subject we should never ever give the impression or the perception that there is a price tag to be at the table. That's just wrong. I'm certain it's a very innocent attempt to raise the funds. I don't know how much money it is, but no matter what I think we do send that perception out. We run the risk of it. In other areas they call it the appearance of impropriety. Whether or not, no matter how pure the intention is, I believe it's incumbent upon this Body to avoid any chance of such an appearance or perception that one must pay to be a participant in the stakeholders group. I urge you to support this amendment.

Same Senator requested a Roll Call.

Senator **GOODALL** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-25).

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

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today to tell you the importance of this stakeholder group. I know the good Senator talked about how he rose not to discuss the merits of climate change or the effort of this group, if it is passed today. It is important to note that this amendment would limit the impact of this organization by only allowing resources to be used by the Department of Environmental Protection. Organizations that could benefit tremendously in the future such as the Department of Transportation could not use their funds as this amendment is written. Most importantly, in regards to perception and potential implied impropriety, that has not happened. In the past, and currently, we accept fees from corporations that are seeking permits and, most importantly, this organization will not be making any rules nor will it be enacting any laws nor is it a committee of jurisdiction. They are merely making recommendations. During these tough economic times we have to be creative in how we fund and how we move forward. Transparency will be key. No one will be buying their way onto the stakeholders group and I am sure and I am confident that the Department will have members that do not contribute any dollars on the stakeholders group. At this point, Madame President, I would urge you to support me in my motion to Indefinitely Postpone this amendment.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. To anyone who may answer, can you tell me what the limits are on contributions, the reporting requirements, and how the public will be able to track who will be donating to this fund and would someone at least consider that if we have limits on what would

keep us from being seemingly bought and paid for then what safeguards are put in because I see nothing to say that you can't buy a seat at the table. If the public thinks that you can buy a seat at the table then perhaps we ought to just open this up for bids and then you could actually limit how much goes into the fund and transfer into the General Fund anything that is over and above what's needed to run the study because that is the impression that can be taken away from this kind of mechanism. Thank you.

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

Senator **TRAHAN:** Thank you, Madame President. Members of the Senate, I also would like to pose a question.

THE PRESIDENT: The Senator may pose his question.

Senator **TRAHAN:** Thank you, Madame President. When I was lobbied on this bill earlier this session there were concerns that if this amendment was adopted that it would put a fiscal note on the bill and that it could potentially kill the bill on the table. As I'm reading the fiscal note it appears that it doesn't put a fiscal note on it. It looks like the Department has said to the fiscal office that the cost of this can be absorbed within the Department, thus allowing this bill to stay, I guess, viable. I'm just wondering, without the fiscal note killing this bill, what the reasoning is that we wouldn't want to go this route?

THE PRESIDENT: The Senator from Lincoln, Senator Trahan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. To respond to something, I'm not sure I was correct when I was listening to the Senator from Sagadahoc, Senator Goodall. My intention here is not to kill this study group. That's perfect. I have no qualms whatsoever about this going forward. I guess if I really wanted to kill the bill I would have said to put it on the Study Table and have a price tag placed on it. That's their way to kill this bill. I thought the better way was to say that we've got a great big Department of Environmental Protection. I can't believe this is a massive amount of money. This allows the Department to move ahead without a fiscal note and avoid any perception of a sale or that there is a price tag on a seat. This applies to any resolve this Body might entertain dealing with a study committee and my objection would be the same on each and every one of them. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, just to respond to my good friend from Lincoln, Senator Trahan. The bill requires the Department to fund it out of their existing funds. Therefore, it makes them have to do that, to answer the question.

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

Senator **GOOLEY:** Thank you, Madame President. May I pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **GOOLEY:** Thank you, Madame President. What would be the projected cost of this study?

THE PRESIDENT: The Senator from Franklin, Senator Gooley poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. I just want to address a few points and I will answer the question from Franklin, Senator Gooley. First, it's important to note that the way this amendment is crafted we will not be able to move forward in this very important stakeholder group. The Department does not have the resources to fund the economic modeling. It doesn't allow other departments to contribute their own funds and this cross-jurisdictional. This is bigger than just the Department of Environmental Protection. This is about moving forward and making Maine save money in the future because our climate is changing. Storms are getting worse. Roads are no longer built to what they should be built to. Bridges are too low at times. We have to start planning and we have to make wise investments. This will allow us to do that in the future. We have to be creative in how we fund this project. In terms of transparency, we do not have a Clean Election system in place as was almost implied earlier in regards to how these donations would be used. However it is publically accessible, there is freedom of access, donors would easily be able to be seen, and the Department would be happy to supply that information to anyone in the public or legislators who requested it. In regards to what it would fund, it fund economic modeling that is key to allow us to plan for the future. We do not have the resources nor do we have the staff in the Department of Environmental Protection to fund that. I hope I answered some of the questions that were asked earlier. Once again, I would strongly encourage you to support Indefinite Postponement.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I have a Parliamentary Inquiry. Are we in the posture of a roll call vote on the motion to Indefinitely Postpone?

THE PRESIDENT: No one has requested one yet.

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

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

Senator **GOOLEY:** Thank you, Madame President. May I pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **GOOLEY:** Thank you, Madame President. Could I at least get an estimate of how much this is going to cost?

THE PRESIDENT: The Senator from Franklin, Senator Gooley poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. I rise to provide an estimate to the good Senator. Economic modeling would require outside resources, an outside entity, to provide that and obviously it would be dependent upon how much funds are raised but it is not envisioned that it would be greater than \$50,000 to \$100,000 based on the indications I have received so far.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Members of the Senate, I don't understand. Maybe there are two issues here that I don't understand. Madame President, may I pose these questions through the Chair?

THE PRESIDENT: The Senator may pose his questions.

Senator **TRAHAN:** Thank you, Madame President. I'm reading the amendment fiscal note. The fiscal note says, and I will read it for the record, 'The amendment eliminates the ability to accept outside funding. The additional cost of the Department of Environmental Protection associated with the development of the stakeholder group and preparing the report can be absorbed within existing budgeted resources.' I guess my question is, am I missing something or are there more than one goal that they are attempting here? The fiscal note says the Department has already stated they can absorb the costs. Are there other associated costs that I'm missing? I certainly would support this bill whether this amendment is attached or not. I'm not saying I oppose it, I just want to know, clearly, what I am voting on.

THE PRESIDENT: The Senator from Lincoln, Senator Trahan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Simpson.

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, in response to the question from my colleague, the amendment directs the Department to absorb the cost within existing resources. The Department did not say that they could or that they had the existing resources to absorb the cost. That's where the discussion is having a little problem. The reason is that the Department does not have the existing resources to do all that is required of it in this resolve. As a result of the University of Maine study on climate change and our preparedness in terms of adaptation, they have identified places that we need to work on implementing policies to be prepared. That is what this resolve is attempting to get a stakeholder group to sit down and talk about. Those areas that we need to be preparing for are sustainable opportunities for the development of

greenhouse gas offset projects and low greenhouse gas emission technologies and processes. That's one sort of group. Built infrastructure including coastal and inland flooding effects on roads and facilities; heat effects on urban centers; beach scouring; habitat fish and wildlife species, including the effects of invasive species; lack of adequate conservation areas; a lack of conductivity between habitat and wildlife; marine ecosystems; and forest management practices. I could continue, but the reason the Department can't absorb the cost is because bringing in all these areas under this one department is a little bit too much work for an already overburdened department. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in support of the pending motion and to respond to a question that has been raised. With respect to the fiscal note and it being absorbed through existing resources, if you look at the original bill that we are voting it describes the evaluation and the duties required but it doesn't particularly prescribe the methodology to be used. I think that what I am hearing is that if outside funding allowed in they can do a much more advanced, much more scientific, and much more precise measuring. If it is done within existing resources, if the Department has \$1,000 to put into the study you will get a report based on that and it will be virtually meaningless. The issue here is whether we are going to come forward and allow people to contribute, and multiple departments to contribute, to really get the best report, the best data, to use going forward. If the Department is left to use existing resources, and they have a dollar, they could do a report for one dollar and it's not going to be very useful to the citizens of Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. I was hesitant to rise a third time but I do ask permission. We are getting astray here about the subject matter of the study. My amendment is only about its funding. Fiscal notes, usually we hate to see a fiscal note on a bill, because it has a price tag on it and it usually means the end. The fiscal note we are talking about is the fiscal note to my amendment, that assumes that the Department will pay the cost of this study, prepared by the Office of Fiscal and Program Review which we rely on for fiscal determinations in all of our bills. They have made the determination that the fiscal note says 'still minor costs' and it says 'the additional cost of the Department associated with the development of the stakeholder group in preparing a report can be absorbed within existing budgeted resources.' That's what the fiscal note, that's what the office downstairs told us. I'm not sure what the debate is. If there is some bigger cost to this, it's not evident to OFPR. I always thought these things were unappealable, these fiscal notes. I've been told when they are high there is nothing you can do about it. Now I'm being told that when it says it's low it really isn't. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT**: Thank you, Madame President. Ladies and gentlemen of the Senate, I hate to bring this any further but I just want to make one point. The amendment directs it to be from the Department. The fiscal office has no other response but to have no fiscal note on the amendment.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **SMITH**: Thank you, Madame President. Did the committee discuss the cost of economic modeling during the deliberations on this bill?

THE PRESIDENT: The Senator from Piscataquis, Senator Smith poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL**: Thank you, Madame President. Men and women of the Senate, first off the good Senator from Piscataquis, Senator Smith, raises a point. This overall issue was never even brought up during committee. It would have been a great place for those that had concerns to vet it. In addition, economic modeling was brought up during committee. However, I do not know if the exact cost of it came up. Thank you, Madame President.

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

Senator **SMITH**: Thank you, Madame President. I thank the Chairman for the clarification. I sat during the entire discussion of that and I do not actually recall economic modeling coming up. My understanding was that the fundraising was to go to the production of the report, which of course could be done rather inexpensively with some plain paper copying out of the Department. My original objection voiced on the record here earlier was not to the stakeholder group itself. It was that this resolve was unnecessary. The stakeholder group process is entirely within the current authority of the Department and they often convene stakeholder groups. I would encourage them to convene this one without seeking legislative approval for it and without seeking approval for the fundraising aspect of it. I fully explained my opposition to the idea of a regulatory agency coming in here at this stage of the game trying to get preapproval. I do not have an opposition to stakeholder groups that are requested by the legislature, but I have objection to them being formed at the behest of a regulatory group seeking legislative approval. There is something that simply is not right about that unless it's a truly extraordinary situation. I do not believe this is. This is an important study. It needs to go through. As a matter of fact, I think the study itself should have been started by the Department before this because there are important adaptation questions that should be explored and I would hope that they are ongoing as we speak. This particular vehicle, I think, raises serious question about the propriety of this particular process. After the debate that occurred on this floor here several days ago,

an important industry, that I had not solicited any kind of comment from, came up to me and said that they would not be participating in that process. I think we've already seen the beginnings of the tainting of this report, if and when it ever surfaces, because there will be one important player who will not be participating. I hope that the Senate will go along with the Senator from Oxford, Senator Hastings, today with his amendment. It would not overcome all of my objections but it would certainly overcome a major one. I think it would make it much more palatable than the bill as it now stands. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall to Indefinitely Postpone Senate Amendment "A" (S-25). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#38)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-25), **PREVAILED**.

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 (#39)

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

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

7 Senators having voted in the affirmative and 8 Senators having voted in the negative, the Resolve was **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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

Senator **BARTLETT** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Wednesday, April 8, 2009, at 10:00 in the morning.