

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

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Pages 1 - 1159

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

In Senate Chamber
Thursday
April 16, 2009

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

Prayer by Reverend Sally Colegrove, Windham Hill United
Church of Christ.

REVEREND COLEGROVE: Let us turn our hearts and minds towards God in prayer. Oh great and gracious God, we call You by many names; holy, wonderful, mighty, wise. We know You in many ways. This is the season of new life breaking forth as seedlings emerge from the frozen ground, as lakes declare ice out, and as we hear the bird songs that have been absent for winter months. We pray that in these days of spring we might each find new life for those with whom we work, restoring financial security, finding employment, and reassuring those who are anxious. This morning we would ask that You be present here in this place of decision and challenge. Bless those gathered with the gift of discernment that they may make good choices for all who live in our state. As we look at the newspapers and the internet we are amazed by the world that confronts us. We hear about asteroids and Somali pirates, international banking woes and suicide bombings in Iraq. We need a little good news. We need to read between the lines and discover the miracles happening each day. We give You thanks for each step of economic recovery, for those who think outside of the box, for every person who shares what they have with folk who are in need, for the food pantries and soup kitchens, the shelters, and those who work with the homeless. We would be bold to ask for Your intervention, Holy One, in the affairs of the nations of our world. We are far from the peace which You intend. There is anger and discord in our global village. We pray for compromise and understanding. Watch over the people of North Korea, Pakistan, Somalia, Afghanistan, Iran, Iraq, and all places of aggression and violence. Turn their hearts towards You, that they may find a way to negotiate with their neighbors. We pray for all those in the Armed Forces who are on duty today and ask that You might keep them safe and return them home. We ask for healing for those who have been injured and comfort for those families who have lost a loved one. Bless the Senators now as they begin their appointed tasks and bless all of the people of Maine as they go about their lives, both now and in the days to come. Lord, in Your mercy, hear our prayer. Amen.

Reading of the Journal of Wednesday, April 15, 2009.

Doctor of the day, Dr. James Krainin, MD of Naples.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Joint Order:
S.P. 544

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 28, 2009 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 252

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

April 13, 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 Sen. Alford of Cumberland, to report the following bill Leave to Withdraw:

L.D. 1196 An Act To Ensure Royalties to Visual Artists

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 253

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

April 14, 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. Perry of Calais, to report the following bill Leave to Withdraw:

L.D. 1229 Resolve, Directing the Department of Health and Human Services To Extend MaineCare Dental and Oral Health Services

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

ORDERS

Joint Orders

Expression of Legislative Sentiment recognizing:

The Deer Isle-Stonington Elementary School, on its winning the 2009 State Chess Championships in the Junior High School Level and the Kindergarten to Grade 3 Level. We send our congratulations and best wishes to the teams on these achievements;

SLS 126

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative: Speaker PINGREE of North Haven.

READ.

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

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, to be able to rise and tell you of the accomplishments of the Deer Isle-Stonington chess team and to tell you how proud I am of them is one of the honors that I get being a Senator. This group of young people, as the sentiment shows, has won the 2009 State Chess Championships at the Junior High Level and at the Kindergarten to Grade 3 Level. What it doesn't tell you, what it doesn't say to the world, is the extraordinary program that they have had in chess over the years.

This is indeed the 24th State Championship that has been won by a tiny, rural, island school off the coast of Maine. I think it speaks volumes for their advisors. It speaks volumes for their school board to continue to support such a program. Those of you who have played chess know that the residual effects of playing chess go far beyond the chessboard: to be able to have you think critically, to be able to have you strategize, and to be able to have you compete, all of which are life skills that will serve these children and our children well. It gives me great pleasure to be able to stand and recognize them and their chaperones and coaches for this tremendous effort. Thank you, ladies and gentlemen. Thank you, Madame President.

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

Senator **BLISS:** Thank you, Madame President. Madame President and colleagues, if you look at today's Joint Orders you will see that the very next sentiment recognizes the Cape Elizabeth Pond Cove Elementary School for their work in chess as well. They are not here today but the truth of the matter is that these young men and women thumped us. I am delighted to stand here, certainly to congratulate the Pond Cove students, and to recognize that the Senator from Hancock, Senator Damon, and these fine young men and women are amazing in their chess abilities. We offer them our sincerest congratulations. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President. I just want to say simple words, wow, awesome, overwhelming. Elementary students, Junior High students. This speaks well for education in Maine. Thanks.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would ask that the chess champions of the Deer Isle-Stonington School and their chaperones please stand and accept the congratulations of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal (EMERGENCY)
H.P. 239 L.D. 299

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow School Budget Validation Referenda To Be Held on a Saturday" (EMERGENCY)

H.P. 481 L.D. 698

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit" (EMERGENCY)

H.P. 840 L.D. 1215

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Improve the Health of Maine Citizens and Safety of Pedestrians" H.P. 593 L.D. 862

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Fund the Maine Downtown Center"

H.P. 75 L.D. 91

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-91)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91)**.

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

READ ONCE.

Committee Amendment "A" (H-91) **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 Amend the Petroleum Market Share Act"

H.P. 404 L.D. 566

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-69)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)**.

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

READ ONCE.

Committee Amendment "A" (H-69) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Creating a Probationary Period for County Corrections Officials"

H.P. 297 L.D. 401

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81).**

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

READ ONCE.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow the Department of Corrections To Certify Community Intervention Programs"

H.P. 343 L.D. 481

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-79).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79).**

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

READ ONCE.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections"

H.P. 345 L.D. 483

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-82).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82).**

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

READ ONCE.

Committee Amendment "A" (H-82) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Juvenile Correctional Services"

H.P. 542 L.D. 793

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-80).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80).**

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

READ ONCE.

Committee Amendment "A" (H-80) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students

H.P. 508 L.D. 749

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-95).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95).**

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

READ ONCE.

Committee Amendment "A" (H-95) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Transfer of Nursing Facilities"

H.P. 198 L.D. 252

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-89).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

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

READ ONCE.

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes" H.P. 311 L.D. 423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**.

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

READ ONCE.

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens" H.P. 369 L.D. 524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-87)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87)**.

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

READ ONCE.

Committee Amendment "A" (H-87) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Facilitate Lactation at the Workplace by New Mothers"

H.P. 280 L.D. 373

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

READ ONCE.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Provision Creating the Long-term Care Partnership Program" (EMERGENCY) H.P. 688 L.D. 1000

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-86)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**.

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

READ ONCE.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing Tournament Games" H.P. 158 L.D. 193

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**.

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

READ ONCE.

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies" (EMERGENCY)

H.P. 704 L.D. 1029

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-76)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)**.

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

READ ONCE.

Committee Amendment "A" (H-76) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Require Municipalities To Enforce the Collection of the State Excise Tax on Motor Vehicles, Aircraft and Watercraft Owned by Maine Residents and Registered outside the State"

H.P. 30 L.D. 35

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-73)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-73)**.

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

READ ONCE.

Committee Amendment "A" (H-73) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds"

H.P. 384 L.D. 539

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-93)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93)**.

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

READ ONCE.

Committee Amendment "A" (H-93) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Reduce Costs for Customers of Northern Maine Consumer-owned Utilities"

H.P. 580 L.D. 844

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

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

READ ONCE.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Create a Statute of Limitations for Oil Discharge Violations"

H.P. 683 L.D. 991

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

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
SMITH of Piscataquis

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-98)**.

Signed:

Representatives:

EDGECOMB of Caribou
AYOTTE of Caswell

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Qualifications for the Position of State Archivist"

H.P. 488 L.D. 705

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

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-75)**.

Signed:

Representatives:

BOLAND of Sanford
COTTA of China

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Promote Fuel Conservation by Allowing the Use of Mini-trucks on Public Ways"

H.P. 606 L.D. 875

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

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
PEOPLES of Westbrook
CAREY of Lewiston
BROWNE of Vassalboro
ROSEN of Bucksport

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

Signed:

Representatives:

THERIAULT of Madawaska
HARLOW of Portland
THOMAS of Ripley
CEBRA of Naples

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 Amend the Speed Limits for Low-speed Vehicles" H.P. 625 L.D. 907

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

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

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

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

Signed:

Representative:

THOMAS of Ripley

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.

Senate

Ought to Pass

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Equitably Adjust the Workers' Compensation Board's Assessment"

S.P. 62 L.D. 176

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 NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements" S.P. 67 L.D. 181

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-67)**.

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

READ ONCE.

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Ensure That the Money Received from the Surcharge on Registration of Pet Food Is Used for the Sterilization of Animals" (EMERGENCY) S.P. 73 L.D. 223

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-68)**.

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

READ ONCE.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Free Admission to State Parks to Veterans and Military Personnel"

S.P. 159 L.D. 456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-69)**.

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

READ ONCE.

Committee Amendment "A" (S-69) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Recommendations for Licensing Equine Boarding Facilities

S.P. 161 L.D. 458

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-70).**

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

READ ONCE.

Committee Amendment "A" (S-70) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation"

S.P. 385 L.D. 1021

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-72).**

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

READ ONCE.

Committee Amendment "A" (S-72) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife (EMERGENCY)

S.P. 85 L.D. 244

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-65).**

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

READ ONCE.

Committee Amendment "A" (S-65) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Transfer Ownership and Management of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County to the Department of Conservation"

S.P. 140 L.D. 398

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-66).**

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

READ ONCE.

Committee Amendment "A" (S-66) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps"

S.P. 260 L.D. 685

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-64).**

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

READ ONCE.

Committee Amendment "A" (S-64) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Agriculture, Conservation and Forestry"

S.P. 249 L.D. 674

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

Signed:

Senator:
BRYANT of Oxford

Representatives:

McCABE of Skowhegan
PERCY of Phippsburg
PIEH of Bremen
SMITH of Monmouth
PRATT of Eddington
KENT of Woolwich
O'BRIEN of Lincolnville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-71)**.

Signed:

Senators:

NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln
EDGECOMB of Caribou
CRAY of Palmyra

Reports **READ**.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

S.P. 325 L.D. 856
(C "A" S-62)

In Senate, April 14, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-62)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-62) AND HOUSE AMENDMENT "A" (H-115)**, in **NON-CONCURRENCE**.

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

Ordered sent forthwith to the Engrossing Division.

SECOND READERS

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

House As Amended

Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use

H.P. 64 L.D. 74
(C "A" H-59)

Bill "An Act Regarding the Placement of Bait To Attract Wild Animals or Birds for Hunting"

H.P. 117 L.D. 138
(C "A" H-60)

Bill "An Act To Allow Military Reenlistees To Obtain a Veterans Registration Plate"

H.P. 178 L.D. 213
(C "A" H-66)

Resolve, Regarding Legislative Review of Portions of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 272 L.D. 336
(C "A" H-63)

Bill "An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing"

H.P. 525 L.D. 766
(C "A" H-65)

Bill "An Act To Ensure Local Broadband Coverage"

H.P. 585 L.D. 850
(C "A" H-64)

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

Senate As Amended

Resolve, Directing the Department of Transportation To Request Federal Funding for the Extension and Completion of Interstate 95 (EMERGENCY)

S.P. 283 L.D. 736
(C "A" S-60)

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (4/15/09) Assigned matter:

Resolve, To Evaluate Climate Change Adaptation Options for the State

S.P. 163 L.D. 460

Tabled - April 15, 2009, by Senator **COURTNEY** of York

Pending - **FINAL PASSAGE**, in concurrence

(In House, April 14, 2009, **FINALLY PASSED**.)

(In Senate, April 7, 2009, **PASSED TO BE ENGROSSED**.)

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

Senator **SMITH:** Thank you, Madame President. I wanted to say a few more words about this Resolve before we go too much further with it. We had an interesting debate on this a few days ago and a couple of new things came to light in the debate. As you recall, this is a Resolve to evaluate climate change adaptation options for the state of Maine. In previous debate I had indicated that I thought, basically, this kind of work is helpful and useful for the state of Maine. The way this Resolve comes has some problematic aspects to it and I outlined those. In the debate some additional information came to light, which I wanted to address here this morning. That information was that, in addition to those items that are outlined in the Resolve itself, it is contemplated that economic modeling is going to be attempted as part of the work of the Department of Environmental Protection and the stakeholders that are going to come together. That is a big topic. Economic modeling is an expensive undertaking. It explains why the price tag for the fundraising has jumped from something on the order of \$10,000 to now potentially something on the order of \$100,000 that the Department of Environmental Protection is going to try to raise in order to do this work. The modeling is not mentioned specifically in the Resolve itself and it was not mentioned in the presentation of the Department of Environmental Protection when they spoke in support of it nor was it mentioned by any of the other main proponents of this Resolve. A few important questions now arise about this Resolve. What is the purpose of this economic modeling? Who is to devise the assumptions that are going to underpin the modeling? An economic model always has a number of important assumptions that have to be made as you move towards getting the economic model pulled together. What use is going to be made of the economic model? Where we already have a State economist on board, why is it that State resources

already in place cannot be used for this purpose? These are but a few of the important questions that come up now that the reason for the extraordinary amount of fundraising is going to be associated with this has come to light. My view of it is that these are important questions. They have come up after the committee had finished its work and I would note, again, that there was not one hint of this that came before the committee prior to the committee's vote on this Resolve. In fact, there is nothing in the file that alludes to economic modeling except in the fiscal note, which states that the DEP may hire a consultant to assist with the economic impact study. The fact of the matter is the committee voted on this Resolve on the 10th of March. This fiscal note was not before the committee at that time. It is dated the 11th of March, the next day. I think these questions and the importance of getting to the bottom of this and why this comes up now that the matter has left the committee is important enough so that the committee should have the opportunity to reevaluate this. For this reason, I move that this Resolve be committed to the Committee on Natural Resources.

Same Senator moved the Bill and accompanying papers be **COMMITTED** to the Committee on **NATURAL RESOURCES**.

On motion by Senator **COURTNEY** of York, 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 (#46)

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

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

ABSENT: Senator: **NUTTING**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SMITH** of Piscataquis to **COMMIT** the Bill and accompanying papers to the Committee on **NATURAL RESOURCES**, **FAILED**.

On motion by Senator **WESTON** of Waldo, 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 (#47)

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

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

ABSENT: Senator: NUTTING

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing"

S.P. 209 L.D. 549

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-75)**.

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

READ ONCE.

Committee Amendment "A" (S-75) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Add 2 Mental Health Advocates to the State Board of Corrections"
S.P. 181 L.D. 478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-76)**.

Signed:

Senators:
GERZOFISKY of Cumberland
NUTTING of Androscoggin
DAVIS of Cumberland

Representatives:
HASKELL of Portland
SCHATZ of Blue Hill
WHEELER of Kittery
MAGNAN of Stockton Springs

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

Signed:

Representatives:
HANLEY of Gardiner
LAJOIE of Lewiston
GREELEY of Levant
PLUMMER of Windham
BURNS of Whiting
SYKES of Harrison

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-76) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

COMMUNICATIONS

The Following Communication: S.C. 254

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

April 15, 2009

LEGISLATIVE RECORD - SENATE, THURSDAY, APRIL 16, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 726 An Act To Improve the Process for Issuing Concealed Weapons Permits
- L.D. 814 An Act Regarding the Sale of Weapons at Gun Shows
- L.D. 985 An Act To Increase Public Safety by Requiring a Federally Licensed Firearms Dealer To Facilitate the Transfer of Firearms
- L.D. 1076 An Act To Create a Statewide Training and Protocol for Responding to Mental Health Crises

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. 255

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

April 14, 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 bill out "Ought Not to Pass":

- L.D. 1050 An Act To Establish a Waiting Period for MaineCare Participants

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 256

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 13, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1285 An Act To Create the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication: S.C. 257

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

April 15, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 996 An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually

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

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

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

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

The Following Communication: S.C. 258

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

April 15, 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. 273 An Act To Require a Regional Review of Projects That Affect Areas Outside of the Community in Which the Project Is Proposed

L.D. 918 An Act To Amend the Informed Growth Act To Provide a Local Management Option

L.D. 1019 An Act To Strengthen the Informed Growth Act

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. 259

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

April 14, 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 bills out "Ought Not to Pass":

L.D. 166 An Act To Exempt Persons 65 Years of Age or Older with Income below the Poverty Line from Property Taxes on Their Homes

L.D. 224 An Act To Exempt Certain Senior Residents from the Income Tax

L.D. 404 An Act To Promote Property Tax Relief for Maine's Senior Citizens

L.D. 765 An Act To Allow Towns To Establish Their Own Homestead Exemption Programs

LEGISLATIVE RECORD - SENATE, THURSDAY, APRIL 16, 2009

- L.D. 851 An Act To Exempt Certain Veterans from the Income Tax
- L.D. 1087 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older
- L.D. 1233 An Act To Provide Property Tax Relief to Senior Citizens

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

The Following Communication: S.C. 260

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

April 10, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 314 Resolve, Directing the Public Utilities Commission To Study the Feasibility of the Merger of Certain Utilities
- L.D. 717 An Act To Ensure Proper Oversight of Propane Facilities
- L.D. 1030 An Act Establishing a Wind and Solar Energy Loan Guarantee Program
- L.D. 1095 An Act To Provide Affordable Installation of Alternative Energy Systems

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Jon Hinck
House Chair

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

The Following Communication: S.C. 261

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

April 15, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 848 An Act To Encourage Green Commerce

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Jon Hinck
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 262

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

April 15, 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 Judiciary has had under consideration the nomination of Honorable Marilyn E. Stavros of Kennebunkport, for appointment as an Active Retired District Court Judge.

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		1	Rep. Cleary of Houlton

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Marilyn E. Stavros of Kennebunkport, for appointment as an Active Retired District Court Judge be confirmed.

Signed,

S/Lawrence Steven Bliss
Senate Chair

S/Charles R. Priest
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.**

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1017

JOINT RESOLUTION COMMENDING PRESIDENT BARACK H. OBAMA ON HIS SELECTION OF THE HONORABLE GEORGE J. MITCHELL AS MIDDLE EAST ENVOY AND URGING A JUST RESOLUTION OF THE ISRAELI-PALESTINIAN CONFLICT

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

WHEREAS, a durable peace and true and lasting security for both Israelis and Palestinians lie in resolution of their destructive conflict and reconciliation; and

WHEREAS, the prolongation of destructive conflict between Israelis and Palestinians would inevitably result in more tragedy for all those involved, especially for young and innocent victims; and

WHEREAS, many authorities, including the 9/11 Commission and the Iraq Study Group, have concluded that achievement of a just and lasting peace in the Middle East is in the vital interest of both societies now caught up in the conflict, as well as in the interest of the people of the broader Middle East and the United States and other nations; and

WHEREAS, it is widely recognized that the good offices of the United States Government are crucial to the achievement of any just and equitable resolution of Israeli and Palestinian conflict; and

WHEREAS, the Honorable George J. Mitchell has previously demonstrated that he is exceptionally qualified to bring parties in conflict together to facilitate negotiations to achieve a just resolution; and

WHEREAS, it is appropriate for the people of the State of Maine to join in support of this important international effort; 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, commend President Barack H. Obama on his selection of the Honorable George J. Mitchell as United States Special Envoy to the Middle East, and we send our appreciation to Senator Mitchell for his willingness to accept this important and challenging assignment; and be it further

RESOLVED: That We respectfully urge and petition President Barack H. Obama, Secretary of State Hillary R. Clinton, Senator George J. Mitchell and their colleagues to do all they can to move Israelis and Palestinians toward reconciliation and a just peace acceptable to all and we call upon the Members of the Maine Congressional Delegation to give all possible support to the efforts of the executive branch of the United States to work for peace in the Middle East; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, Secretary of State Hillary R. Clinton, Senator George J. Mitchell and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1018

JOINT RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS BY THE STATE OF MAINE

WHEREAS, the recent economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult economic environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, the United States Congress and President Barack H. Obama have passed a taxpayer-sponsored economic recovery package, known as the American Recovery and Reinvestment Act of 2009; and

WHEREAS, this recovery package will provide billions of dollars to help economically devastated cities and states and immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and to restore the economic vitality of all our communities; and

WHEREAS, any economic recovery plan spending should include a commitment from the recipients of the spending plan funds in the State of Maine to comply with the requirements in the economic recovery package for buying materials, goods and services that are produced by companies within the United States; 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, will work to further the goals of the American Relief and Recovery Act of 2009 and to maximize the creation of American jobs and to restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed; and be it further

RESOLVED: That We, representing the people of the State, commit to purchasing with any economic recovery money provided to the State of Maine by the American taxpayers only products made and services provided in the United States, pursuant to the applicable requirements of the American Relief and Recovery Act of 2009.

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

READ.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act Concerning the Automatic Dissolution of Certain Marriages" (EMERGENCY)
H.P. 418 L.D. 580

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions"
H.P. 635 L.D. 917

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Enable the Use of Credit Cards for Governmental Transactions"
H.P. 498 L.D. 715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

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

READ ONCE.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify Allowable Practices Concerning Maine Farm Wineries"
H.P. 377 L.D. 532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)**.

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

READ ONCE.

Committee Amendment "A" (H-96) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require Closed-captioning for Certain Political Advertisements"
H.P. 530 L.D. 779

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

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

READ ONCE.

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **NATURAL RESOURCES** on Bill "An Act To Manage Risks Associated with Surface Uses on Public Water Supplies"

H.P. 505 L.D. 722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-99).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-99).**

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

READ ONCE.

Committee Amendment "A" (H-99) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Senior Hunter To Take an Antlerless Deer in Any Zone Designated by the Department of Inland Fisheries and Wildlife"

H.P. 441 L.D. 627

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

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
EBERLE of South Portland
WHEELER of Kittery
BRIGGS of Mexico
SHAW of Standish
McLEOD of Lee
SARTY of Denmark
CRAFTS of Lisbon

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

Signed:

Representatives:

SAVIELLO of Wilton
DAVIS of Sangerville

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

Reports **READ.**

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

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

ENACTORS

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

Emergency Measure

An Act To Establish Native American Veterans Day
H.P. 25 L.D. 30
(C "A" H-45)

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

Emergency Measure

An Act Regarding Rockport College

H.P. 254 L.D. 318
(C "A" H-48)

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

Emergency Measure

An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns

S.P. 189 L.D. 490
(C "A" S-36)

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

Emergency Measure

An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009

S.P. 541 L.D. 1454
(S "A" S-63)

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is a bill that I'm very happy that we had the opportunity to pass. It's going to allow over 9,900 workers in the state of Maine to receive extended unemployment benefits from the American Recovery Act. There are 9,900 people that are about to exhaust their 59 weeks of unemployment. Having been a frequent flyer on the unemployment airway myself, I know there is nothing worse than laying awake at night trying to decide how you are going to pay for your family and your home and things like that. Everyone can understand how the times are right now. The jobs are very hard to come by. I think is something that is very much needed. I think it could actually stimulate the economy by getting that money out into the economy. It's a minimum of \$28 million that the recovery act would provide and it's solely paid for by federal funds. It's not going to affect the businesses in the state of Maine, which is another great thing. I'm very glad that we had the opportunity to do this today to help the people of the state of Maine.

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

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, I rise just to echo the comments of the good Senator from Aroostook, Senator Jackson. I'm very pleased that we were able to come together in this bipartisan approach to do the right thing for the people of Maine. Our people across this state are suffering and many of us have experienced tremendous job losses in our districts. We know that Maine families need this extra boost and I'm very pleased to be here. It's the right thing to do. It's the caring and responsible thing to do. I hope that we will pass it unanimously.

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

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

ENACTORS

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

Emergency Resolve

Resolve, To Fund the Nursing Education Loan Repayment Program

H.P. 171 L.D. 206
(C "A" H-46)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education

H.P. 211 L.D. 268
(C "A" H-47)

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

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

ENACTORS

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

Emergency Measure

An Act To Ensure the Availability of Supplemental Educational Loans

S.P. 325 L.D. 856
(C "A" S-62; H "A" H-115)

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

ORDERS OF THE DAY

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

NOMINATION - of the Honorable Marilyn E. Stavros of Kennebunkport for appointment as an Active Retired District Court Judge

Tabled - April 16, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 16, 2009, Communication (S.C. 262) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#48)

YEAS: Senators: None

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

ABSENT: Senator: NUTTING

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Marilyn E. Stavros** of Kennebunkport for appointment as an Active Retired District Court Judge was **CONFIRMED**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax"

S.P. 240 L.D. 666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-77).**

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland
NASS of York

Representatives:

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

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

Signed:

Representatives:

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

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-77) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 68 L.D. 78

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

Signed:

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RICHARDSON of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-94)**.

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

RANKIN of Hiram
McFADDEN of Dennysville

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

Reports **READ**.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, April 28, 2009, at 10:00 in the morning.