

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
Wednesday
April 29, 2009

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

Prayer by Senator Gerald M. Davis of Cumberland County.

SENATOR DAVIS: Good morning. I read from Micah, chapter 6, verse 8. With what shall I come before the Lord and bow down before the exalted God? Shall I come before Him with burnt offerings and with calves a year old? Will the Lord be pleased with thousands of rams with ten thousand rivers of oil? Shall I offer my first born for my transgression, the fruit of my body for the sin of my soul? He has shown you, oh man, what is good and what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God. Amen.

Reading of the Journal of Tuesday, April 28, 2009.

Doctor of the day, Dr. Richard Flowerdew, MD of Falmouth.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities"
H.P. 1019 L.D. 1464

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

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

Joint Order

The following Joint Order:

H.P. 1016

ORDERED, the Senate concurring, that Bill, "An Act Regarding Construction and Excavation near Burial Sites," H.P. 97, L.D. 113, and all its accompanying papers, be recalled from the legislative files to the House.

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

READ. Pursuant to Joint Rule 404 a Division was had. 31 Members having voted in the affirmative and no Members having votes in the negative, with 31 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 275

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

April 14, 2009

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 22 MRSA, Chapter 1058, §3883, I am pleased to appoint Senator Peter Mills of Somerset to the Maine Children's Trust Board, as a member of the Senate.

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

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and **ORDERED PLACED ON FILE**.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Mixed Martial Arts Competitions in Maine"

H.P. 277 L.D. 370

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

Ought to Pass

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Laws Governing Certain Reports and Reviews Related to Utilities and Energy and Certain Positions at the Public Utilities Commission"

H.P. 796 L.D. 1152

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland

H.P. 399 L.D. 561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-103)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103)**.

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

READ ONCE.

Committee Amendment "A" (H-103) **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 Clarify the Definition of Hard Cider for the Purposes of the Returnable Container Law"

H.P. 43 L.D. 50

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-106)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**.

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

READ ONCE.

Committee Amendment "A" (H-106) **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 Define 'Edentulous Arch' in the Laws Governing Denturists"

H.P. 403 L.D. 565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-108)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-108)**.

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

READ ONCE.

Committee Amendment "A" (H-108) **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 Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities"

H.P. 444 L.D. 630

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-107)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)**.

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

READ ONCE.

Committee Amendment "A" (H-107) **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 Amend the Laws Relating to the Department of Corrections"

H.P. 445 L.D. 631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101).**

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

READ ONCE.

Committee Amendment "A" (H-101) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Super Pack License Opportunities"

H.P. 228 L.D. 288

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-102).**

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

READ ONCE.

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Support District Attorney Check Diversion Programs"

H.P. 356 L.D. 511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-105).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105).**

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

READ ONCE.

Committee Amendment "A" (H-105) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Fund Fully the Purchase of Military Time" (EMERGENCY)

H.P. 88 L.D. 104

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111).**

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

READ ONCE.

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers"

H.P. 133 L.D. 154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-112).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112).**

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

READ ONCE.

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Clarify the Right of Public School Employees To Engage in Collective Bargaining" (EMERGENCY)

H.P. 565 L.D. 829

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-113).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113).**

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

READ ONCE.

Committee Amendment "A" (H-113) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Provide Tax Relief to Workers Who Lose Their Jobs Due to Business Closure"

H.P. 162 L.D. 197

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-118).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-118).**

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

READ ONCE.

Committee Amendment "A" (H-118) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Encourage the Production of Liquid Biofuels"

H.P. 427 L.D. 589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-119).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119).**

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

READ ONCE.

Committee Amendment "A" (H-119) **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 State's Existing Commitment to the Production of Liquid Biofuels"

H.P. 296 L.D. 389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-116).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116).**

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

READ ONCE.

Committee Amendment "A" (H-116) **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 Renovate and Expand the Boat Launch on Long Lake in St. Agatha"

H.P. 241 L.D. 305

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

Signed:

Senators:

NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln
McCABE of Skowhegan
PERCY of Phippsburg
PIEH of Bremen
SMITH of Monmouth
PRATT of Eddington
CRAY of Palmyra
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" (H-150)**.

Signed:

Senator:
BRYANT of Oxford

Representative:
EDGECOMB of Caribou

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

Reports **READ**.

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

At the request of Senator **JACKSON** of Aroostook a Division was had. 24 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allocate Redemption Centers Based on Population"
H.P. 641 L.D. 938

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

Signed:

Senators:
SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-128)**.

Signed:

Representative:
GILES of Belfast

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Limits of the Maine Uniform Building and Energy Code"
H.P. 685 L.D. 997

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

Signed:

Senators:
SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:
SMITH of Monmouth
WRIGHT of Berwick
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
HUNT of Buxton
CLEARY of Houlton
MARTIN of Orono
GILES of Belfast

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-127)**.

Signed:

Representative:
COHEN of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Authorizing Colleges and Universities To Regulate Public Safety on Their Campuses"

H.P. 365 L.D. 520

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman

FINCH of Fairfield

CASAVANT of Biddeford

WAGNER of Lewiston

LOVEJOY of Portland

NELSON of Falmouth

RANKIN of Hiram

RICHARDSON of Carmel

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

Signed:

Senator:

WESTON of Waldo

Representative:

JOHNSON of Greenville

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

Reports **READ**.

On motion by Senator **ALFOND** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Funding for Bed-hold Days at Private Nonmedical Institutions"

H.P. 483 L.D. 700

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

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

MILLS of Somerset

Representatives:

PERRY of Calais

PETERSON of Rumford

JONES of Mount Vernon

SANBORN of Gorham

JOY of Crystal

LEWIN of Eliot

EVES of North Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-131)**.

Signed:

Representatives:

CAMPBELL of Newfield

STRANG BURGESS of Cumberland

STUCKEY of Portland

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

H.P. 242 L.D. 306

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

Signed:

Senators:

SULLIVAN of York

GOODALL of Sagadahoc

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-163)**.

Signed:

Representatives:

CORNELL du HOUX of Brunswick
TUTTLE of Sanford

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

Reports **READ**.

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

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, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Late Rent Fee Charges in Residential Tenancies"

H.P. 247 L.D. 311

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

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-164)**.

Signed:

Senator:

PLOWMAN of Penobscot

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

Reports **READ**.

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

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I don't want to belabor this. It is a 12-1 report. I do wish to point out that there are problems right now with poor landlords trying to make their mortgage payments on time. This bill changed the date for which a tenant can be late from 15 days late to 10 in order to help keep them on track with their bankers and their mortgages. The original bill was for 7 days. I don't think it's going anywhere, but you do need to know that there will be a report out of a special group that's been put together to talk about these things and that is a huge concern for your constituents. We understand everyone's having a hard time, but if you don't have good credit as a landlord it makes it awfully hard to keep your building up. Thank you.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Protect Fishing Families by Authorizing Certain Transfers of Lobster and Crab Fishing Licenses"

H.P. 423 L.D. 585

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

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
RECTOR of Knox

Representatives:

McKANE of Newcastle
KRUGER of Thomaston
MacDONALD of Boothbay
PRESCOTT of Topsham
WEAVER of York
PERCY of Phippsburg
EATON of Sullivan
TILTON of Harrington
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-156)**.

Signed:

Representative:

PENDLETON of Scarborough

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 **NATURAL RESOURCES** on Bill "An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks"

H.P. 592 L.D. 861

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
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-117)**.

Signed:

Representatives:

BOLDUC of Auburn
EDGECOMB of Caribou
AYOTTE of Caswell

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require That Minutes Be Kept of Municipal Meetings"

H.P. 537 L.D. 786

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

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

HAYES of Buckfield
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill
WILLETTE of Presque Isle
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-138)**.

Signed:

Representative:

BOLAND of Sanford

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 Change the Status of the Road System at the Loring Development Authority"

H.P. 609 L.D. 878

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

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-140)**.

Signed:

Representatives:

THERIAULT of Madawaska
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

Seven members of the Committee on **NATURAL RESOURCES** on Bill "An Act To Change the Classification of Certain Waters of the State"

H.P. 266 L.D. 330

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

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
SMITH of Piscataquis

Representatives:

KNAPP of Gorham
MARTIN of Eagle Lake
EBERLE of South Portland
DUCHESNE of Hudson

Three 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" (H-71)**.

Signed:

Representatives:

HAMPER of Oxford
EDGEComb of Caribou
AYOTTE of Caswell

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-72)**.

Signed:

Representatives:

WALSH INNES of Yarmouth
WELSH of Rockport

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**.

Reports **READ**.

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**, in concurrence.

Senator **COURTNEY** of York requested a Roll Call.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**, in concurrence. (Roll Call Requested)

Senate

Ought to Pass As Amended

Senator **GERZOFISKY** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Maine Residents from Home Fires and Carbon Monoxide" S.P. 212 L.D. 550

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

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

On motion by Senator **COURTNEY** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the **OUGHT TO PASS AS AMENDED** Report.

Same Senator requested a Roll Call.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**. (Roll Call Requested)

Senator **BRYANT** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify Expenditures and the Use of Department-generated Revenues within the Department of Inland Fisheries and Wildlife"

S.P. 65 L.D. 179

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

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

READ ONCE.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BOWMAN** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans
S.P. 402 L.D. 1084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

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

READ ONCE.

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **GOODALL** for the Committee on **NATURAL RESOURCES** on Bill "An Act To Reduce the Amount of Plastic Introduced into the Waste Stream"

S.P. 131 L.D. 367

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

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

READ ONCE.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require the Disclosure of Insurance Policy Limits to an Injured Party"

S.P. 362 L.D. 979

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

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
LEGG of Kennebunk
MORRISON of South Portland

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

RICHARDSON of Warren
WEAVER of York
FOSSEL of Alna

Reports **READ**.

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

Senator **COURTNEY** of York requested a Roll Call.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

S.P. 235 L.D. 621

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

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland

Representatives:

TUTTLE of Sanford
DRISCOLL of Westbrook
GILBERT of Jay
BUTTERFIELD of Bangor
BLODGETT of Augusta
CLARK of Millinocket

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

Signed:

Senator:

MILLS of Somerset

Representatives:

CUSHING of Hampden
HAMPER of Oxford
THIBODEAU of Winterport
BICKFORD of Auburn

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report.

SECOND READERS

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

Senate

Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent"

S.P. 214 L.D. 599

Bill "An Act To Improve Assistance for Technology-based Entrepreneurs"

S.P. 342 L.D. 892

Bill "An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines"

S.P. 427 L.D. 1155

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Increase the Availability of Solar and Wind Power"

S.P. 70 L.D. 220
(C "A" S-90)

Bill "An Act To Eliminate the Income-producing Requirement for Land in the Farm and Open Space Tax Program"

S.P. 94 L.D. 277
(C "A" S-89)

Bill "An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season"

S.P. 99 L.D. 303
(C "A" S-88)

Resolve, To Establish a Commission To Support, Preserve and Maintain Maine Monuments in Gettysburg, Pennsylvania

S.P. 100 L.D. 304
(C "A" S-84)

Bill "An Act To Amend the Retail Tobacco and Liquor Licensing Laws"

S.P. 165 L.D. 462
(C "A" S-83)

Bill "An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association"

S.P. 236 L.D. 620
(C "A" S-85)

Bill "An Act To Allow Certain Organizations To Hold Raffles" (EMERGENCY)

S.P. 298 L.D. 771
(C "A" S-81)

Bill "An Act To Authorize Fuel Cost Stabilization Funds To Be Established in School Administrative Units"

S.P. 314 L.D. 806
(C "A" S-92)

Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System

S.P. 367 L.D. 984
(C "A" S-93)

Bill "An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury"

S.P. 369 L.D. 986
(C "A" S-91)

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 To Extend the Season for Training Hunting Dogs

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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 Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund

S.P. 93 L.D. 276
(C "A" S-42)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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 Ensure Local Broadband Coverage

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

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.

Emergency Resolve

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

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

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 **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 Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission

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

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

Acts

An Act To Amend Maine's Endangered and Threatened Species List by Removing the Bald Eagle

S.P. 25 L.D. 66
(C "A" S-44)

An Act To Clarify Hunting and Trapping Laws for Youth

S.P. 51 L.D. 132
(C "A" S-46)

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)

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

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

An Act To Adopt Amendments to the Uniform Interstate Family Support Act

S.P. 164 L.D. 461

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

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

An Act Concerning Mercury-added Button Cell Batteries
S.P. 390 L.D. 1026

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

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 (3/31/09) Assigned matter:

Bill "An Act To Ensure the Availability of Alcohol-free Motor Fuels"
S.P. 478 L.D. 1320

Tabled - March 31, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

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

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Maine Fire Protection Services Commission**

The **Maine Fire Protection Services Commission**, pursuant to the Maine Revised Statutes, Title 5, section 3371, subsection 8 asked leave to report that the accompanying Bill "An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program"

H.P. 1020 L.D. 1466

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Thursday, April 30, 2009, at 10:00 in the morning.