

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

Pages 1 - 1159

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

In Senate Chamber  
Tuesday  
May 5, 2009

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

Prayer by Reverend George L. Hodgkins, Jr., Peoples United  
Methodist Church in Union.

**REVEREND HODGKINS:** Thank you. Let us pray. Almighty  
gracious and wise God, we are faced with many challenges.  
Lord, I pray for these Senators. Please give them wisdom and  
guidance for the difficult decisions they are called upon to make.  
As they wrestle with limited resources and program cuts, enable  
them to earnestly, and with honesty, pursue the welfare of all  
Maine's people. Fill them with compassion and an unselfish  
sense of justice. You, who are the creator, help them to be  
creative as well as wise in knowing how to best utilize the  
available funds. Thank You for the men and women who serve  
here. May they make a positive difference for the wonderful  
people of our state. In Your name I pray, Amen.

Pledge of Allegiance led by Senator Gerald M. Davis of  
Cumberland County.

Reading of the Journal of Thursday, April 30, 2009.

Doctor of the day, Laurel Coleman, MD of Manchester.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Amend the Employment Practices Law Regarding  
Substance Abuse Testing"

S.P. 209 L.D. 549  
(C "A" S-75)

In Senate, April 28, 2009, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-75).**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-75) AS  
AMENDED BY HOUSE AMENDMENT "A" (H-179)** thereto, in  
**NON-CONCURRENCE.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 283

**124<sup>th</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

April 15, 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 3, MRSA, Chapter 10, §227,  
I am pleased to appoint the following Senators to the Maine  
Canadian Legislative Advisory Committee:

Senator Roger Sherman of Aroostook, reappointment  
Senator Bruce Bryant of Oxford, reappointment  
Senator Lisa Marraché of Kennebec, replacing Senator John  
Martin of Aroostook  
Senator Troy Jackson of Aroostook, replacing Senator Nancy  
Sullivan of York

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

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 284

**124<sup>th</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

April 15, 2009

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 501, Section 19202, I am pleased to reappoint Senator Philip L. Bartlett II of Cumberland to the Maine HIV Advisory Committee, representing a member of the Senate.

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

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 285

**124<sup>th</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

April 22, 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 Article III, Section 3.01 of the National Legislative Association on Prescription Drug Prices bylaws, I am pleased to appoint the following Senators to the National Legislative Association on Prescription Drug Prices:

Senator Elizabeth M. Schneider of Penobscot, reappointment  
Senator Margaret Craven of Androscoggin  
Senator Peter Mills of Somerset

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

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 286

**124<sup>th</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

April 23, 2009

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 521, §20065, I am pleased to reappoint Senator Joseph Brannigan of Cumberland to serve on the Substance Abuse Services Commission, representing a member of the Senate.

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

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 287

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

April 28, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 182      An Act To Prohibit Aerial Spraying of Pesticides  
near Buildings, Roads and Bodies of Water

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

Sincerely,

S/Sen. John M. Nutting  
Senate Chair

S/Rep. Wendy Pieh  
House Chair

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

---

The Following Communication: S.C. 288

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

April 17, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 998 An Act To Provide a Strategic Planning Fund  
for Research and Development and  
Technology-related Companies

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

Sincerely,

S/Sen. Elizabeth M. Schneider  
Senate Chair

S/Rep. Nancy E. Smith  
House Chair

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

---

The Following Communication: S.C. 289

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1130 An Act To Clarify the Crime of Obstructing  
Government Administration

We have also notified the sponsor and cosponsors 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. 290

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

April 17, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 963 Resolve, Directing the University of Maine  
System To Self-transition Its Educational  
Broadband Service from Analog to Digital  
(EMERGENCY)

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

Sincerely,

S/Sen. Justin L. Alford  
Senate Chair

S/Rep. Patricia B. Sutherland  
House Chair

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

---

The Following Communication: S.C. 291

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

April 23, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1077    Resolve, To Establish the Commission To  
                  Establish The Maine Academy of Living  
                  Treasures

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

Sincerely,

S/Sen. Justin L. Alfond  
Senate Chair

S/Rep. Patricia B. Sutherland  
House Chair

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

---

The Following Communication: S.C. 292

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

April 28, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 190    Resolve, Directing the Department of Education  
                  To Convene a Stakeholders Group To Analyze  
                  the School Funding Formula (EMERGENCY)

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

Sincerely,

S/Sen. Justin L. Alfond  
Senate Chair

S/Rep. Patricia B. Sutherland  
House Chair

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

---

The Following Communication: S.C. 293

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1160    An Act To Prohibit a Person from Being Hired in  
                  a School Administrative Unit in a Position for  
                  Which a Relative Serves in a Supervisory  
                  Capacity

L.D. 1161    An Act To Require That Universities within the  
                  University of Maine System Accept Credits  
                  Earned at Other Universities within the System

L.D. 1162    An Act To Amend the Laws Governing Teacher  
                  Certification Interns

L.D. 1323    An Act To Control the Costs of College  
                  Textbooks

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

Sincerely,

S/Sen. Justin L. Alfond  
Senate Chair

S/Rep. Patricia B. Sutherland  
House Chair

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

---

The Following Communication: S.C. 294

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 1142    Resolve, To Ensure Access to Speech and Hearing Services
- L.D. 1303    An Act To Improve the General Assistance Program
- L.D. 1375    An Act Regarding the Formula for the General Assistance Program

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

Sincerely,

S/Sen. Joseph C. Brannigan  
Senate Chair

S/Rep. Anne C. Perry  
House Chair

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

---

The Following Communication: S.C. 295

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

April 28, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 414    An Act To Improve the Safety of Snowmobile Trails
- L.D. 751    Resolve, To Transfer the Phillips Fish Hatchery to the Sandy River Land Trust
- L.D. 822    An Act To Expand Turkey Hunting Opportunities
- L.D. 1099    Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Study To Identify All Publicly Owned Inland and Coastal Water Access Sites

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

Sincerely,

S/Sen. Bruce S. Bryant  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

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

---

The Following Communication: S.C. 296

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

April 30, 2009

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 5, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1135    Resolve, To Establish the Commission To  
                  Examine the Establishment of a Wildlife  
                  Sanctuary on Blue Hill Bay

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

Sincerely,

S/Sen. Bruce S. Bryant  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

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

---

The Following Communication:    S.C. 297

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

April 28, 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 bills out "Ought Not to Pass":

L.D. 323    An Act To Improve Transparency in the Health  
                  Insurance Markets

L.D. 859    An Act To Control Premium Costs in the Small  
                  Group Health Insurance Market

L.D. 1005    An Act To Continue Access to Dirigo Choice  
                  Health Insurance by Reducing Administrative  
                  Costs and Replacing the Savings Offset  
                  Payment

L.D. 1091    An Act To Reduce the Cost of Health Insurance

L.D. 1194    An Act To Establish a Reinsurance Mechanism  
                  To Expand Health Insurance for Individuals and  
                  Groups

We have also notified the sponsors and cosponsors of each bill listed 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. 298

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

April 17, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 135    An Act To Increase Mileage Reimbursement for  
                  Jurors

L.D. 1079    An Act To Prohibit a Parent without Parental  
                  Rights from Inheriting from an Adult Child Who  
                  Dies without a Will

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



Sincerely,

S/Sen. Lawrence Steven Bliss  
Senate Chair

S/Rep. Charles R. Priest  
House Chair

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

---

The Following Communication: S.C. 299

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

April 28, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 409 An Act To Increase Leaves of Absence for State Employees and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces
- L.D. 496 An Act To Amend the Employment Practices Laws
- L.D. 1167 An Act To Limit the Work Week of Doctors and Medical Residents

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

Sincerely,

S/Sen. Troy D. Jackson  
Senate Chair

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

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

---

The Following Communication: S.C. 300

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 1112 An Act To Establish a Recall Procedure for Elected Officials

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

Sincerely,

S/Sen. Nancy B. Sullivan  
Senate Chair

S/Rep. Pamela Jabar Trinward  
House Chair

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

---

The Following Communication: S.C. 301

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 431 An Act To Make the Site Location of Development Laws More Development Friendly

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

Sincerely,

S/Sen. Seth A. Goodall  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

---

The Following Communication: S.C. 302

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

April 28, 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. 647 An Act To Provide Tax Relief for Retired Veterans Operating Businesses in Maine
- L.D. 1018 An Act To Make the Maine Music Educators Association Tax Exempt
- L.D. 1046 An Act To Exempt Cleaning Products for Milking Machines from the Sales Tax
- L.D. 1149 An Act To Amend the Veterans Homestead Exemption To Include Certain Medal Winners
- L.D. 1213 An Act To Amend the Homestead Exemption for Certain Veterans To Include Certain Military Personnel Stationed at Guantanamo Bay

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. 303

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 920 An Act To Reduce Noise Pollution
- L.D. 1151 An Act To Prohibit the Use of Engine Brakes on All State Roads under Certain Circumstances
- L.D. 1174 An Act To Allow the Use of Cameras To Enforce Traffic Violations

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

Sincerely,

S/Sen. Dennis S. Damon  
Senate Chair

S/Rep. Edward J. Mazurek  
House Chair

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

---

**SENATE PAPERS**

Bill "An Act To Require a Municipality To Quiet Title to Certain Roads Acquired by Adverse Possession"  
S.P. 549 L.D. 1472

Presented by Senator MARRACHÉ of Kennebec.  
Cosponsored by Senator: BLISS of Cumberland,  
Representatives: DILL of Cape Elizabeth, HILL of York.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

---

Bill "An Act Concerning Debarment from Contracts with the Department of Environmental Protection"

S.P. 548 L.D. 1471

Presented by President MITCHELL of Kennebec.  
Cosponsored by Senator: GOODALL of Sagadahoc,  
Representative: WALSH INNES of Yarmouth.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

---

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

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### ORDERS

#### Joint Order

On motion by Senator **HOBBS** of York, the following Joint Order:

S.P. 550

ORDERED, the House concurring, that Bill, "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, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

**READ** and **PASSED**.

Sent down for concurrence.

---

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

---

Expressions of Legislative Sentiment recognizing:

The second grade students of teacher Kelly Rich at Windham Primary School, for raising nearly \$1,000 for the Maine State Society for the Protection of Animals. We extend our congratulations and appreciation to Mrs. Rich and her students for their compassion and dedication in raising much-needed funds for such a worthy cause;

SLS 144

Sponsored by Senator **DIAMOND** of Cumberland.  
Cosponsored by Representatives: **BRYANT** of Windham,  
**PLUMMER** of Windham.

**READ.**

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

Senator **DIAMOND:** Thank you, Madame President. Men and women of the Senate, I'm very proud today to show off the second grade students from the Windham Primary School with their teacher, Mrs. Kelly Rich, for what they have done. They took upon themselves to raise money for the State Society for the Protection of Animals. They not only did a little bit, they did a lot. They raised \$1,000. As a result of that, we wanted to bring them up today and invite them here so you all could say thank you and congratulations for a job well done. From me and everybody else thank you very much for everything you have done to help the Maine State Society. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair would ask that Mrs. Kelly Rich and her second grade students and their chaperones please stand and accept the greetings of the Maine Senate.

---

### REPORTS OF COMMITTEES

#### House

#### Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require the Convening of the Professional Standards Board" (EMERGENCY)

H.P. 759 L.D. 1104

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 Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions"

H.P. 186 L.D. 232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-186)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186)**.

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

**READ ONCE.**

Committee Amendment "A" (H-186) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Provide Assistance to Private Sellers of Firearms  
H.P. 782 L.D. 1138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-180)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-180)**.

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

**READ ONCE.**

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Permit Brew Pubs To Sell Half-gallon Containers of Malt Liquor"

H.P. 622 L.D. 904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.

Report **READ**.

On motion by Senator **MARRACHÉ** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

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The Committee on **NATURAL RESOURCES** on Bill "An Act Relating to Geothermal Heat Exchange Wells"  
H.P. 591 L.D. 860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-177)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**.

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

**READ ONCE.**

Committee Amendment "A" (H-177) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **NATURAL RESOURCES** on Resolve, To Require the Department of Environmental Protection To Review Its Rules Regarding Incinerators  
H.P. 698 L.D. 1010

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-178)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)**.

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

**READ ONCE.**

Committee Amendment "A" (H-178) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Amend the Time Frame for Towns To Certify Citizen Initiative and People's Veto Signatures

H.P. 789 L.D. 1145

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-176)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**.

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

**READ ONCE.**

Committee Amendment "A" (H-176) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Members of the Armed Forces Who Are Not Residents but Own Property in this State To Obtain Resident Hunting and Fishing Licenses or Permits"

H.P. 470 L.D. 656

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

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
SHAW of Standish  
EBERLE of South Portland  
WHEELER of Kittery  
DAVIS of Sangerville  
SARTY of Denmark

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-195)**.

Signed:

Representative:

McLEOD of Lee

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.

---

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Moose Populations and Hunting Opportunities"

H.P. 706 L.D. 1031

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

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
BRIGGS of Mexico  
SHAW of Standish  
DAVIS of Sangerville  
McLEOD of Lee  
SARTY of Denmark  
CRAFTS of Lisbon  
SAVIELLO of Wilton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-196)**.

Signed:

Representative:

EBERLE of South Portland

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.

---

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

H.P. 695 L.D. 1007

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-184)**.

Signed:

Senators:

JACKSON of Aroostook  
GERZOFKY of Cumberland

Representatives:

TUTTLE of Sanford  
CLARK of Millinocket  
THIBODEAU of Winterport  
HAMPER of Oxford  
BLODGETT of Augusta  
CUSHING of Hampden  
BUTTERFIELD of Bangor  
GILBERT of Jay  
DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representative:

BICKFORD of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**.

Reports **READ**.

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

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

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

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**Divided Report**

Six Members of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Voters To Choose Ongoing Absentee Voter Status"

H.P. 129 L.D. 150

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-182)**

Signed:

Senators:

SULLIVAN of York  
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick  
TRINWARD of Waterville  
TUTTLE of Sanford  
RUSSELL of Portland

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
PINKHAM of Lexington Township  
VALENTINO of Saco  
FITTS of Pittsfield  
NASS of Acton

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.

Reports **READ**.

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED**, in concurrence.

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

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**, in concurrence. (Roll Call Ordered)

---

**Senate**

**Ought to Pass**

Senator **BRANNIGAN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Define Services for Maine Runaway and Homeless Youth"

S.P. 418 L.D. 1127

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator DAMON for the Committee on **TRANSPORTATION** on Resolve, To Name the Bridge in Orland the Ralston C. Gray Bridge

S.P. 486 L.D. 1351

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 BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Establishing the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities (EMERGENCY)

S.P. 379 L.D. 1015

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

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

**READ ONCE.**

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements"

S.P. 96 L.D. 300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117)**.

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

**READ ONCE.**

Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing MaineCare Estate Recovery Undertaken by the Department of Health and Human Services" S.P. 129 L.D. 365

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-120)**.

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

**READ ONCE.**

Committee Amendment "A" (S-120) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Increase Child Support Collections" S.P. 141 L.D. 399

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-121)**.

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

**READ ONCE.**

Committee Amendment "A" (S-121) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Limited Liability Company Laws Concerning Management Standards" S.P. 169 L.D. 466

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

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

**READ ONCE.**

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Ensure Access to Public Information" S.P. 206 L.D. 546

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

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

**READ ONCE.**

Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Bring Equity to the Sea Urchin License Fees" S.P. 95 L.D. 278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-123)**.

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

**READ ONCE.**

Committee Amendment "A" (S-123) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Establish a Distracted Driver Law" S.P. 15 L.D. 6

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126)**.

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

**READ ONCE.**

Committee Amendment "A" (S-126) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Encourage Small Business Energy Efficiency" S.P. 306 L.D. 792

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

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

**READ ONCE.**

Committee Amendment "A" (S-111) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Improve Maine's Renewable Portfolio Standard" S.P. 395 L.D. 1061

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-124)**.

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

**READ ONCE.**

Committee Amendment "A" (S-124) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program" S.P. 494 L.D. 1359

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-125)**.

Signed:

Senators:  
MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:  
PETERSON of Rumford  
SANBORN of Gorham  
JOY of Crystal  
LEWIN of Eliot  
STRANG BURGESS of Cumberland  
EVES of North Berwick

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

Signed:

Senator:  
BRANNIGAN of Cumberland

Representatives:  
PERRY of Calais  
JONES of Mount Vernon  
CAMPBELL of Newfield  
STUCKEY of Portland



LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 5, 2009

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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**SECOND READERS**

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

**House**

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance (EMERGENCY)  
H.P. 342 L.D. 480

Bill "An Act To Expand the Membership of the Maine Elder Death Analysis Review Team"  
H.P. 410 L.D. 572

Bill "An Act To Change the Definition of 'Domestic Partner' in the Laws Governing Custody of Remains"  
H.P. 499 L.D. 716

Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors  
H.P. 582 L.D. 846

Bill "An Act To Implement the Recommendations of the Governor's Interagency Transportation Coordinating Committee"  
H.P. 669 L.D. 967

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

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

---

**House As Amended**

Bill "An Act To Amend the Landlord and Tenant Laws as They Pertain to Interest Paid on Mobile Home Park Tenant Security Deposits"

H.P. 24 L.D. 29  
(C "A" H-160)

Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

H.P. 187 L.D. 233  
(C "A" H-129)

Bill "An Act To Allow the Licensing of Minibars in Hotel Rooms"

H.P. 318 L.D. 430  
(C "A" H-134)

Bill "An Act To Clarify the Sales Tax Exemption for Commercial Agricultural Crop Production"

H.P. 338 L.D. 450  
(C "A" H-74)

Resolve, Regarding Legislative Review of Portions of Chapter 10: Definitions and Terms, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

H.P. 350 L.D. 495  
(C "A" H-151)

Bill "An Act To Conserve Energy in Residential Leasehold Tenancies"

H.P. 352 L.D. 497  
(C "A" H-161)

Bill "An Act To Promote Independence and Facilitate Employment for Visually Impaired or Blind Individuals by Investing in an Effective Vision Rehabilitation System"

H.P. 402 L.D. 564  
(C "A" H-122)

Bill "An Act To Provide Increased Protection for Victims of Domestic Violence"

H.P. 405 L.D. 567  
(C "A" H-172)

Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Study To Enhance Maine's Recreational Fishing Economy

H.P. 469 L.D. 655  
(C "A" H-148)

Resolve, Establishing Goals and Principles for Fisheries Management for the Department of Inland Fisheries and Wildlife

H.P. 482 L.D. 699  
(C "A" H-149)

Resolve, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority

H.P. 548 L.D. 812  
(C "A" H-154)

Bill "An Act To Limit Smoking in Outdoor Dining Areas"

H.P. 556 L.D. 820  
(C "A" H-132)

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 5, 2009

Bill "An Act To Amend the Forcible Entry and Detainer Laws"  
H.P. 571 L.D. 835  
(C "A" H-162)

Bill "An Act To Expand Access to Efficiency Maine Rebate Programs"

H.P. 581 L.D. 845  
(C "A" H-158)

Bill "An Act Authorizing Statewide Mutual Aid among First Responder Agencies"

H.P. 583 L.D. 847  
(C "A" H-157)

Bill "An Act To Authorize Issuance of Permanent Disability Plates and Placards"

H.P. 655 L.D. 952  
(C "A" H-141)

Bill "An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information"

H.P. 672 L.D. 970  
(C "A" H-145)

Bill "An Act To Encourage Cooperation among School Administrative Units" (EMERGENCY)

H.P. 724 L.D. 1049  
(C "A" H-166)

Bill "An Act To Provide for Insurance Coverage of Telemedicine Services"

H.P. 740 L.D. 1073  
(C "A" H-146)

Resolve, To Establish the Task Force on Kinship Families (EMERGENCY)

H.P. 770 L.D. 1115  
(C "A" H-147)

Bill "An Act Regarding the Maximum Fee for Processing an Environmental License Application" (EMERGENCY)

H.P. 778 L.D. 1134  
(C "A" H-155)

Bill "An Act To Amend the Marine Resources Suspension Laws"

H.P. 836 L.D. 1211  
(C "A" H-142)

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

Bill "An Act To Track the Prevalence of Childhood Obesity in Maine"

H.P. 255 L.D. 319  
(C "A" H-130)

**READ A SECOND TIME.**

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Prioritize Funding in the TransCap Trust Fund" (EMERGENCY)

H.P. 654 L.D. 951  
(C "A" H-123)

**READ A SECOND TIME.**

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Off Record Remarks

**Senate**

Bill "An Act To Limit Liability for Certain Noncommercial Aviation Activities"

S.P. 339 L.D. 889

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act To Improve Child Support Collection Procedures by Changing the Process of Modifying a Support Order"

S.P. 229 L.D. 614  
(C "A" S-105)

Bill "An Act To Exempt Fuel Used by Commercial Fishing Vessels from the Sales Tax" (EMERGENCY)

S.P. 290 L.D. 743  
(C "A" S-102)

Bill "An Act To Authorize an Active Retired Justice or Judge To Conduct Arbitration and Chair Medical Malpractice Screening Panels"

S.P. 311 L.D. 803  
(C "A" S-106)

Bill "An Act Concerning Dispute Resolution in Home Construction Contracts"

S.P. 403 L.D. 1085  
(C "A" S-107)

Resolve, To Facilitate the Creation and Expansion of Certain Business Sectors

S.P. 434 L.D. 1186  
(C "A" S-101)

Bill "An Act To Establish Uniform Protocols for the Use of Controlled Substances"

S.P. 441 L.D. 1193  
(C "A" S-108)

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

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act To Calculate the School Year by Number of Hours

S.P. 86 L.D. 245  
(C "B" S-32)

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

---

**Emergency Measure**

An Act To Clarify Guaranteed Fund Protection for Deferred Compensation Accounts

S.P. 132 L.D. 390  
(C "A" S-58)

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 Measure**

An Act To Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care

S.P. 142 L.D. 400  
(C "A" S-57)

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

---

**Emergency Measure**

An Act Concerning the Automatic Dissolution of Certain Marriages

H.P. 418 L.D. 580

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 Measure**

An Act To Allow School Budget Validation Referenda To Be Held on a Saturday

H.P. 481 L.D. 698

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 Charter of the Tenants Harbor Standard Water District

S.P. 331 L.D. 883  
(C "A" S-53)

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 Provision Creating the Long-term Care Partnership Program

H.P. 688 L.D. 1000  
(C "A" H-86)

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 for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds

S.P. 378 L.D. 1014  
(C "A" S-54)

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 Correct Administrative Procedures Regarding the Dental Care Access Credit

H.P. 840 L.D. 1215

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 Resolve**

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

H.P. 239 L.D. 299

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.

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**Acts**

An Act Regarding the Transfer of Nursing Facilities

H.P. 198 L.D. 252  
(C "A" H-89)

An Act To Facilitate Lactation at the Workplace by New Mothers

H.P. 280 L.D. 373  
(C "A" H-83)

An Act Creating a Probationary Period for County Corrections Officials

H.P. 297 L.D. 401  
(C "A" H-81)

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  
(C "A" H-88)

An Act To Amend Certain Laws Administered by the Department of Environmental Protection

S.P. 179 L.D. 476  
(C "A" S-56)

An Act To Allow the Department of Corrections To Certify Community Intervention Programs

H.P. 343 L.D. 481  
(C "A" H-79)

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  
(C "A" H-82)

An Act Regarding Liquor Licenses Issued to Incorporated Civic Organizations

H.P. 377 L.D. 532  
(C "A" H-96)

An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds

H.P. 384 L.D. 539  
(C "A" H-93)

An Act To Amend the Petroleum Market Share Act

H.P. 404 L.D. 566  
(C "A" H-69)

An Act To Strengthen the Board of the Maine Insurance Guaranty Association

S.P. 231 L.D. 616  
(C "A" S-59)

An Act To Enable the Use of Credit Cards for Governmental Transactions

H.P. 498 L.D. 715  
(C "A" H-100)

An Act To Require Closed-captioning for Certain Political Advertisements

H.P. 530 L.D. 779  
(C "A" H-97)

An Act To Improve Juvenile Correctional Services

H.P. 542 L.D. 793  
(C "A" H-80)

An Act To Reduce Costs for Customers of Northern Maine Consumer-owned Utilities

H.P. 580 L.D. 844  
(C "A" H-85)

An Act To Improve the Health of Maine Citizens and Safety of Pedestrians

H.P. 593 L.D. 862

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An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions

H.P. 635 L.D. 917

An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies

H.P. 704 L.D. 1029  
(C "A" H-76)

An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators

S.P. 480 L.D. 1334

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

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An Act To Fund the Maine Downtown Center

H.P. 75 L.D. 91  
(C "A" H-91)

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

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An Act To Amend the Laws Governing Tournament Games

H.P. 158 L.D. 193  
(C "A" H-84)

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

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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  
(C "A" H-87)

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

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**Resolves**

Resolve, Directing the State Tax Assessor To Work with Local Law Enforcement Agencies To Improve Tax Collection and Enforcement along the Border of the State

H.P. 30 L.D. 35  
(C "A" H-73)

Resolve, To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts

S.P. 226 L.D. 611  
(C "A" S-55)

Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies

H.P. 505 L.D. 722  
(C "A" H-99)

Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students

H.P. 508 L.D. 749  
(C "A" H-95)

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

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**Off Record Remarks**

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

**Emergency Measure**

An Act To Calculate the School Year by Number of Hours

S.P. 86 L.D. 245  
(C "B" S-32)

Tabled - May 5, 2009, by Senator **ALFOND** of Cumberland

Pending - **ENACTMENT**

(In Senate, April 9, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-32).**)

(In House, April 30, 2009, **PASSED TO BE ENACTED.**)

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.

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On motion by Senator **DIAMOND** of Cumberland, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act To Further Facilitate the Provision of Educational Loans for Maine Students and Families

S.P. 40 L.D. 118  
(C "A" S-19; H "A" H-92)

Tabled - April 28, 2009, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-19) AND HOUSE AMENDMENT "A" (H-92).**)

(In House, April 16, 2009, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator 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.

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

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

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

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/14/09) Assigned matter:

SENATE REPORT - from the Committee on **LABOR** on Bill "An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds"

S.P. 309 L.D. 801

Report - **Ought to Pass**

Tabled - April 14, 2009, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 14, 2009, Report **READ.**)

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT.**

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The Chair laid before the Senate the following Tabled and Later (4/15/09) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Reduce Misuse of Woodlands by the Public"

H.P. 370 L.D. 525

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-62)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 15, 2009, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 14, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62).**)

(In Senate, April 15, 2009, Reports **READ.**)

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

**READ ONCE.**

Committee Amendment "A" (H-62) **READ.**

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-78) to Committee Amendment "A" (H-62) **READ.**

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

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, a few years ago we passed some restrictions on State owned wildlife management districts, lands that the State of Maine owned. When we did that a lot of the landowners felt that we were putting higher restrictions on Inland Fisheries and Wildlife lands than we were on other private lands. This amendment takes those restrictions away. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-78) to Committee Amendment "A" (H-62) **READ.**

Committee Amendment "A" (H-62) as Amended by Senate Amendment "A" (S-78) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (4/16/09) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-94)** (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 16, 2009, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, April 16, 2009, Reports **READ**.)

On motion by Senator **ALFOND** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/28/09) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes  
S.P. 392 L.D. 1058

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

Minority - **Ought to Pass** (4 members)

Tabled - April 28, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Requested)

(In Senate, April 28, 2009, Reports **READ**.)

On motion by Senator **JACKSON** of Aroostook, 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 (#55)**

YEAS: Senators: **ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DIAMOND, GERZOFSKY, GOODALL, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, NASS, PERRY, RECTOR, ROSEN, SCHNEIDER, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL**

NAYS: Senators: **BRYANT, DAVIS, GOOLEY, JACKSON, PLOWMAN, RAYE, SHERMAN**

ABSENT: Senator: **NUTTING**

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (4/28/09) Assigned matter:

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  
(C "A" S-68)

Tabled - April 28, 2009, by Senator **DAMON** of Hancock

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68)**

(In Senate, April 28, 2009, **READ A SECOND TIME**.)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68)**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/29/09) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-163)** (2 members)

Tabled - April 29, 2009, by Senator **BARTLETT** of Cumberland

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

(In House, April 28, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 29, 2009, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#56)

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

NAYS: Senators: PERRY, RAYE, SHERMAN, SMITH, WESTON

ABSENT: Senator: NUTTING

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (4/29/09) Assigned matter:

HOUSE REPORTS -from 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

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (H-70)** (7 members)

Report **"B" - Ought to Pass as Amended by Committee Amendment "B" (H-71)** (3 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "C" (H-72)** (2 members)

Tabled - April 29, 2009, by Senator **BARTLETT** of Cumberland

Pending - 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)

(In House, April 28, 2009, 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)**.)

(In Senate, April 29, 2009, Reports **READ**.)

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 (#57)

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

NAYS: Senators: HASTINGS, SHERMAN

ABSENT: Senator: NUTTING

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-70) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**



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The Chair laid before the Senate the following Tabled and Later (4/29/09) Assigned matter:

SENATE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

Tabled - April 29, 2009, by Senator **BARTLETT** of Cumberland

Pending - **ACCEPTANCE OF REPORT** (Roll Call Requested)

(In Senate, April 29, 2009, Report **READ**.)

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 (#58)**

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

NAYS: Senators: GOOLEY, ROSEN, SHERMAN, SMITH, WESTON

ABSENT: Senator: NUTTING

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (4/29/09) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-95)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - April 29, 2009, by Senator **BARTLETT** of Cumberland

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

(In Senate, April 29, 2009, Reports **READ**.)

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

Senator **McCORMICK:** Thank you, Madame President. Men and women of the Senate, I rise in opposition to the current motion. This bill requires an insurer to disclose the liability coverage limits of its insured to a claimant upon request. Insurers frequently share this information voluntarily when it's in the best interest of the person they represent, the insured. Current law also permits this disclosure upon discovery in the event of a lawsuit. Under this change a claimant would be able to determine how much money would be involved in a lawsuit prior to the filing of a lawsuit. The danger is this could result in more lawsuits being filed and the cost of insurance going up for each one of us. This bill has been rejected twice by the legislature and I urge you to reject it once again by voting against the pending motion. Thank you, Madame President.

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

Senator **BOWMAN:** Thank you, Madame President. This bill is, I was going to say it's a legislator's relative, and every thing is relative, dream in that it is very short, it's very easy to understand, and it's relatively noncontroversial. My colleague has told you what the bill does as written. I would argue against what he called the danger. It relies on the judicial principles, and I'm not a lawyer, of pre-discovery joint and several liability and duty to defend. It is my understanding that, barring prior settlement, this information would be divulged later in the judicial process regardless of this bill or not. This bill was submitted by the Senate Majority Leader, which gives it instant credibility with me.

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

Senator **BARTLETT:** Thank you, Madame President. I rise with some trepidation at this point, but rise to speak in support of the pending motion. In order to receive settlements in any dispute you need to have shared information. Both parties need to have a full understanding of the facts and to share legal theories and they need to understand what they are litigating. Under the current system you cannot get access to policy limits, in some cases, until you get into a lawsuit. That prevents cases from

settling at an earlier stage. The whole idea here is to get the information out before the lawsuits are filed, before that expense is incurred, to increase the likelihood of settlements. Because you now have to file a lawsuit in order to get it, it actually increases the number of filings. You don't know whether there is \$100,000 there or \$1 million there. You've got to file a lawsuit to get into an expensive litigation process, which costs the insurance company money and costs the injured parties money. This is designed purely to facilitate settlements, so they have access to equal information up front so that informed choices can be made. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#59)**

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

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

**ABSENT:** Senator: NUTTING

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-95) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (4/28/09) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Authorize Arbitration of Property Tax Valuation Disputes"

S.P. 113 L.D. 349

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-79)** (2 members)

Tabled - April 28, 2009, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 28, 2009, Reports **READ**.)

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

Sent down for concurrence.

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

SENATE REPORT - from the Committee on **LABOR** on Bill "An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds"

S.P. 309 L.D. 801

Report - **Ought to Pass**

Tabled - May 5, 2009, by Senator **RAYE** of Washington

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 14, 2009, Report **READ**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Members of the Senate, this seems like a small bill and it's a little tricky. It's a unanimous report. I'm on the unanimous report but I'm standing in opposition to the bill not merely out of chutzpah but having read it and read it a little more carefully than I did when I was doing the committee work on the bill. The purpose of the bill is to remove from the criminal statutes an impediment for the State to withhold funds from the paychecks of State employees. The criminal statute that we are looking at makes it illegal to use State computers for the purposes of soliciting contributions, political contributions. The bill goes further and says this law may not be construed to prohibit a public employer, i.e., the State or perhaps a school district, from deducting dues or other funds from an employee's pay after authorization and so forth. As I understand it, the purpose of the bill that lies before us to remove a possible impediment to having money withheld from a State paycheck that might be used for political purposes. I've mixed feelings about that. I'd rather think that the current system is probably adequate. If somebody wants to give a contribution to a political pact or

political party then perhaps they should do it by check, do it in the usual conventional way after they have received their money, cashed their paycheck, and so forth. This bill removes a criminal law impediment to having the union negotiate for a situation where the State might withdraw or withhold funds from paychecks in order that they could be applied to pacts and other political purposes. Having looked at it a little more carefully since the committee work, I'm rather content with the law as it stands and would recommend that to you and in that regard ask for a roll call on the acceptance of this report.

Same Senator requested a Roll Call.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I think the Senator from Somerset, Senator Mills, did a very adequate job explaining the majority of the bill. I guess it comes down to the issue of is it something the State is not sure if they can actually do. There was a lawsuit brought forth in Michigan, so to be clear they are asking for us to say that it is legal. It doesn't mean that it's going to happen, but it is something that can be bargained for in a collective bargaining agreement. It still doesn't say that the State has to do this, but it would be something that would be open to bargaining. The committee did all support it. I certainly understand the Senator from Somerset, Senator Mills, might have an issue with it now. It was a unanimous report at one time and I think it's something that is perfectly fine for the State and the State workers to bargain for in negotiations.

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

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#60)**

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, Report **ACCEPTED**.

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (4/16/09) Assigned matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-71)** (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 16, 2009, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (S-71) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program" S.P. 494 L.D. 1359

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-125)** (8 members)

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

Tabled - May 5, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

(In Senate, May 5, 2009, Reports **READ**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Members of the Senate, let me try to address with a little more enthusiasm this issue. There is a system in place by which certain classes of pharmaceuticals, the sale and dispensing of them, are tracked throughout the state of Maine. It's called the Prescription Monitoring System. It is for controlled substances only. Not for your hay fever medications. Every single prescription in the state of Maine that is filled by a pharmacy is supposed to go into this database that is maintained by OSA, the Office of Substance Abuse. The purpose is a highly beneficent one. The people who have access to this database, in real time, our people like emergency room physicians, doctors of all types, and pharmacists. The purpose for maintaining this database is to enable practitioners and pharmacists to be able to know whether the person in front of them in the emergency room or the medical office is obtaining controlled substances, at least within Maine, from any other sources besides the person they are speaking to, the doctor or the pharmacists. It's a good system but it's dreadfully underutilized and it's not being used up to its capabilities. This bill addresses one of those shortcomings. In the Medicaid system MaineCare tracks these very same items, in other words MaineCare tracks all health expenditures within its own system and it knows when somebody is obtaining controlled drugs from more than one source within the Medicaid system. When Medicaid stumbles across something like this and sees that there is an abuse or diversion of drugs going on they step in. Indeed, they don't drop people off Medicaid, they try to bring them into treatment and they start putting controls on where that person may go to get controlled substances. They adopted protocols that are widely accepted throughout the world, that a person who has a drug addiction problem should be obtaining his controlled substances from a single prescriber, a single doctor or nurse practitioner, and should be filling those prescriptions through a single pharmacy.

We have a system in place within MaineCare to monitor people's use and possible abuse of controlled substances, but it's with some irony that I note that they don't have access to this prescription monitoring system which uses the same computers over at Gould but there is a firewall between the two databases so that MaineCare isn't able to know, for example, if somebody is buying controlled substances for cash from a Maine pharmacy. If they did know, if they did have access to this important information, they could begin to reach out and try to bring that person into care, into treatment, in an effort to reach out and help that person gain control over his or her addiction. Right now that opportunity is denied to the MaineCare system because MaineCare itself does not have access to the prescription monitoring database even though MaineCare's own data resides in the very same computers and hard drives as the prescription monitoring system. They are barred by a legal Chinese wall that prevents MaineCare from intervening and attempting to do remedial things for the few people in this population who suffer from addiction.

There are about 2,500 people that we know about within the MaineCare system who are under treatment for addictive drugs. Last year we had 343 babies born in Maine that we know about who drug effected. We had over 150 people die from overdosing of drugs, which is comparable to the number of people that died in automobile accidents. These numbers have risen dramatically in the last ten years. We used to lose about 34 people a year to drug overdose only ten years ago. Now we're up to over 150 and that number is, I won't say it's climbing, but it's persistent. This simple bill will permit MaineCare to have discreet access to the prescription monitoring program and thus be able to bring other people into care.

There were people who opposed this bill in the first instance by saying that they thought it was merely a way for MaineCare to step in and drive people out of MaineCare because of fraud because buying prescription drugs for cash might be regarded as a fraud in the MaineCare system. We had an excellent presentation from the people at MaineCare explaining that this is not their motivation. Their main concern is to find out where there are multiple purchases of controlled substances in inappropriate settings so that they can bring these folks in to care, maybe to a Methadone clinic, and do whatever acts are necessary to deal with the patient's addiction. I think this is a simple bill. It's a good bill. It will save the State money. I was searching for a fiscal note on the bill but I don't see one written yet. I was assured by the Department that it would save several hundreds of thousands of dollars in State money alone. I have to leave that until a later time. At least it doesn't have a negative fiscal note. I would ask that you vote no on the pending motion so that we might then go on to accept the other report, which is the Majority Report.

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, lest you got the idea from the previous speaker that the Department of Health and Human Services was in favor of this bill, they are not. That is the reason I have opposed it. The Senator from Somerset, Senator Mills, mentioned treatment and this, from their point of view, is about treatment. The Office of Substance Abuse and their leader, Mr. Guy Cousins, believes that this is a detrimental bill for those who are trying to get better. He says this element alone magnifies the stigma associated with addiction beyond major. The changes that are proposed by this legislation turns this intervention tool into a hammer that creates further barriers to treatment to a population that already struggles with stigma. That's the expert's opinion and I and others in our committee went with the experts. I would urge you to vote for the pending motion and allow them to carry on with the work they do. Thank you.

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

Senator **MARRACHÉ:** Thank you, Madame President. Men and women of the Senate, I am in support of the opposite motion because as a practitioner I use the PMP system, that's the Prescription Monitoring System, a lot for a reason. We have lots of patients who are being treated for cancer, for rheumatoid arthritis, or a number of afflictions that require chronic long-term pain management for real reasons. We like to be able to provide good care. What can happen however is you build a tolerance to

these medications and you get into a situation where a patient might need a little bit more and then a little bit more. That is acceptable at times. What you can find on occasion is that you are starting to prescribe more, you assume it's for a good reason, and then you start getting the phone calls from family members saying, 'He's coming to see you today, don't give him another prescription because he's selling it' or you've gotten a police report that they just raided one of your patient's homes because they were told that they were selling them on the streets but they never could find anything. I've been through this many times. It's frustrating because you want to do what's best for the patient. You have a care plan in place. You have a narcotic contract with this person and what you are finding is they are not telling you the truth. The information is out there, but we can't access all of it. That's not good medicine either, when you cannot tell a patient that you know what they are telling you is not true and that you really need to talk about this and work on this to provide a better avenue of care. It's hard to get people back into the system where they really need to start addressing this as an issue because we don't even know if it's not just chronic pain management or a dependency issue. That's not good care, so I am supporting my colleague from Somerset, Senator Mills. That's my two-cent's worth.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#61)**

**YEAS:** Senators: ALFOND, BLISS, BRANNIGAN, BRYANT, DAMON, GERZOFKY, JACKSON, SIMPSON, SULLIVAN

**NAYS:** Senators: BARTLETT, BOWMAN, COURTNEY, CRAVEN, DAVIS, DIAMOND, GOODALL, GOOLEY, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SMITH, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

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

**READ ONCE.**

Committee Amendment "A" (S-125) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Off Record Remarks

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

H.P. 695 L.D. 1007

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-184)** (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - May 5, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, April 30, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184).**)

(In Senate, May 5, 2009, Reports **READ.**)

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Members of the Senate, this is another of my lonely vigils out of the Labor Committee, but I'm not entirely alone on this one. This has everything to do with something that is called the 1998 Special Plan. It was created back in the late 1990's in the Labor Committee on which I served. The original purpose of the 1998 Special Plan was to try to create a category of retirement that would match what was then being afforded to the Maine State Police. We had one system for the Maine State Police that enabled police officers to retire at age 55, after they had had 25 years of service. Everybody else had to hang in until age 62 unless you had been hired a long, long time ago. We had people pleading with us from the Warden Service and prison guards, and other people that carry guns for the most part, saying that they, too, ought to be able to retire at age 55 because it was a rough job searching for lost kids out in the woods when you are 56 years old. The wardens made a good case and some other categories made a good case, so we thought we would wrap everybody up who made that kind of a case and put them into one plan that would allow them to retire seven years earlier than the norm. No sooner was the ink dry on the 1998 Special Plan when the Maine State Troopers came in saying that they wanted a new plan. I think it was 25 and out. Low and behold, in 1999 or 2000 the Maine State Troopers marched out ahead of the pack,

got themselves, by a very narrow marginal vote in the House and Senate, their own plan which made the 1998 Special Plan kind of an in-between plan and one that, indeed, the Warden Service quickly found inadequate. They, too, over the years, made a successful drive to join in to the State Trooper type plan, which is where they are now. There are still a number of people that are in this in-between plan, the 1998 Special Plan that lets you out at age 55. There has been a lot of effort by different groups to get into that plan because it's a great plan. You can retire at age 55. You might think the difference between age 55 and 62 isn't all that great but actuarially it is huge. We've had applications in the Labor Committee from groups of all sorts. I've come to believe that probably the whole thing was a mistake in the first instance. It seems to me that there are many large groups of State employees who can make a very solid case for trying to retire before age 62. If we start opening this door up, or leave the door open any longer, we're going to go down a path that we can't afford. To give you an example, child protective workers, who are notorious for burning out before they are 35 years old, could easily come in here as a group and say that if they could sustain themselves until age 55 we should let them out of the box and go into retirement after all that service. They could make a good case. Schoolteachers could make that kind of a case. There are lots of categories of employees who might make a case that an age 55 retirement would be appropriate. We simply can't afford it. We can't afford to let large groups of State employees retire at age 55. We already let Maine State Troopers and warden get out on 25 years of service regardless of age, as I recall. Those plans are extraordinarily expensive.

This particular group are the people that clean up oil spills and the like. There are certain physical requirements, to be sure, but there are many other jobs in State service. In the whole Department of Transportation there hundreds and hundreds of people who are required to do manual labor and who are not allowed to retire until they are 62 years old. I don't understand what this particular group has over all of the other groups that might make an equal claim of wanting to be in this special category. The fiscal note to bring these people up to speed and to pay for their back-log of pension benefits I believe is around \$7 million. This bill will go to the table, if you feel a particular attachment to this small group of people. If you want to vote for them, go right ahead. It will go down to the Appropriations Committee and probably be dispatched in due course. I'd rather think that we should take this opportunity to send a message that we're not opening up this 1998 Special Plan any further. It probably was a mistake. I was part of creating it. I now think it was a mistake and we should vote against this bill. I would ask you to vote no on the pending motion so we might to on and vote Ought Not to Pass.

I might just finish with one other thing. The other day the Appropriations Committee had an enlightening and very disturbing presentation from the pension system. Our whole pension system for State employees and teachers is based on the assumption that we can pay off all of the unfunded liabilities between now and 2028. Until a year ago we were on track to be doing that. We've only got 19 years left to go to make up what was last year about \$3 billion in unfunded liabilities, which this year is now up to around \$5 billion, I believe. What is going to happen to us two years from now, as I understand it, is that the bill that we get from the pension system for State employees and teachers, which is on the order of \$200 million a year for the unfunded liability, is very likely to jump up as high as \$500 million.

In other words, we could, at this time in the next biennium, be struggling to figure out how to come up with an extra \$300 million not only for that year coming but for every year there after, beyond what we had assumed we were going to have to pay because we've only got 19 years left and we are in the middle of one of the deepest recessionary troughs that any of us has ever lived through. That is just one more reason why I don't think we should be expanding pension benefits at this time and in this adverse economic environment. Therefore I ask that you vote no. Thank you for your indulgence on this important issue.

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

**Senator JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, again the Senator from Somerset, Senator Mills, does an excellent job of framing a good debate on this bill and it certainly is hard to follow someone with his intelligence on these issues. What I know of this is that I've served for seven years now, continuously, on the Labor Committee. I like to think that I didn't cause any of these problems, but I'm sure ten years down the road somebody can take me to task for that. What I have seen in those seven years is that there are many, many inequities in the way the retirement system has worked. I'm sure that it's because people come to the legislature, some times large groups, and want, as the Senator from Somerset, Senator Mills said, a different plan. They make an argument and it sounds credible.

What happened in this case, I guess, is in 2001 some people came to the Labor Committee and advocated to have people that were in the oil and hazardous waste materials program to go into the Special Plan. I don't really understand what happened, but somewhere in that deliberation thirteen of them got left out of the original bill. Now we have a case in this program where half of them are in the Special Plan and the other half are in the regular plan. I see that certainly as something that was wrong. I wasn't here to put half of them in a better plan, but I am here now and will do whatever I can do something to help the thirteen that was left behind. The reason why I chose to support this is that with these people, these two halves in the same department, if somebody from the Special Plan half retires someone from the regular plan can step right into that. Their job classifications are almost identical. Sometimes they do actually step into those jobs. If we have a lay-off, and some of the people in the Special Plan are laid-off, the people in the regular plan will be used to fill those holes. They are almost exactly the same people. I can't speak to whether it was a mistake to put those people in the Special Plan, but they are there now and I guess I'm hoping to fix the inequity of the thirteen that was left behind. We opened that door in 2001. I'm trying to close it now. Fix those people. We see this all the time. We have cliff issues. We have rag issues. Honestly, the retirement plan, as far as not treating people the same, which I'm all for, has those problems. There is no \$7 million fiscal note on this bill. There is a \$4,900 fiscal note on this bill. There is a \$28,000 special fund appropriation on the bill for this year and ongoing in \$6,500 a year. That's considerably less, not to say that is just chump change or anything like that. Times are tough now so every dollar is hard to come by, but this is a problem of people, that for reasons that I don't understand, I don't know if they knew someone on the Labor Committee, I don't know what it was, but for some reasons I don't understand half of them got what they wanted and the other half didn't. It's certainly a

condition that I wouldn't want to work under in any aspect or any job that I ever would be willing to get. I ask you to support the Majority Ought to Pass Report and let it go to the Appropriations Table where possibly Appropriations can find the money, not the \$7 million but the considerably less money. Thank you.

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

Senator **GOOLEY:** Thank you, Madame President. I rise to be against the pending motion. This is a slippery slope. I am a retired State employee and the retirement system has been under fire for many years now. As the good Senator from Somerset, Senator Mills, says the retirement system has mega problems now. This, to me, is a slippery slope. I used to be a State forester and supervised the State foresters. They are out there 10 below zero, 20 below zero with the winds howling. That's hazardous duty unto itself, but they are not asking for anything. Thank you.

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **SHERMAN:** Thank you, Madame President. Really there are two. Before I vote on this I'd like to understand the discrepancy between the \$7 million unfunded liability and the \$3,200 or \$30,000 you have here. That's quite a difference in unfunded liability. I'd like to have someone explain that to me, if I may. The second one is a question about the hazardous. When you say hazardous you see people dropping dead and dying. I wonder if there are any actuarial studies done on how hazardous these hazardous materials are? I hope they are covering themselves up when dealing with hazardous materials. Could I have some definition of why these folks are on it, other than they can, and the unfunded liability issue.

**THE PRESIDENT:** The Senator from Aroostook, Senator Sherman, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Madame President. I really, honestly, as far as the unfunded liability, I can't answer that. I was getting up to talk about the hazardous material aspect. They made the argument in 2001 and the legislature agreed with them. I think that possibly people getting out there handling chemicals that can burn your skin, tough to breath, can cause all kinds of respiratory problems can be considered as dangerous as someone who has to carry a firearm. That's an argument that I guess can go on and on. There is no doubt that certainly at times what some of these people have to do, cleaning up chemical spills and things like that, is hazardous and, like I said, at least for half, everyone in that department that argument has already been made and delivered. One of the things about the forest rangers, there is a different plan for forest rangers. Last year we were inclined to include those also in the cliff to make all of them whole, another inequity in the plan.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Members of the Senate, somewhere there is a bill that has a \$7.3 million fiscal note but it's not this one.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#62)

**YEAS:** Senators: ALFOND, BARTLETT, BLISS, BRYANT, DAMON, GERZOFSKY, GOODALL, HOBBS, JACKSON, MARRACHE, MCCORMICK, PERRY, SCHNEIDER, SIMPSON, THE PRESIDENT - ELIZABETH H. MITCHELL

**NAYS:** Senators: BOWMAN, BRANNIGAN, COURTNEY, CRAVEN, DAVIS, DIAMOND, GOOLEY, HASTINGS, MILLS, NASS, NUTTING, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, SULLIVAN, TRAHAN, WESTON

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/30/09) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2010"  
H.P. 348 L.D. 486

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-109)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-110)** (2 members)

Tabled - April 30, 2009, by Senator **RAYE** of Washington

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109)** Report, in concurrence (Roll Call Requested)

(In House, April 29, 2009, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109)**.)

(In Senate, April 30, 2009, Reports **READ**.)

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

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, you may wonder why I rise on a bill that I'm not on the committee. One of my good House members is on the committee and shared some information with me that leads me to want to speak on the pending motion. Recently, if you have traveled the Turnpike at all, some people don't, I very rarely do but I had occasion to last weekend, up and down the interstate to Biddeford. I was amazed to see there was a 66% increase in the tolls. That's quite a jump in anybody's budget. I'm not quite sure how we explain to the people in the state of Maine a 66% increase in a toll. Then I looked at this nice report that was prepared for the Maine Turnpike Authority that comments on the legislation before us. Our little, tiny Maine committee, where we have plenty of people who can show up and testify and they don't need to come from Boston and they don't need to have an office in London and they probably are a lot cheaper here in Maine, I'm wondering if we can afford the luxury of a Boston attorney to comment on the legislation that we put forth in the state of Maine, that we can read about in the newspapers about \$200 bottles of wine being shared by our Maine Turnpike Authority officials, if we can afford 2.5 lobbyists to spend every day in the Transportation Committee, that perhaps this is not what the people who now have to hand \$1 to the toll worker had intended. In fact, there is no more automation. You can't throw your four quarters in the basket any more. It's all labor. If someone can tell me why a 66% increase is okay for those costs, I understand all the costs have gone up, I surely do. When it effects the people of the state of Maine to the extent that it does and we haven't seen any trim back in the way the MTA operates here in this building, then I have a hard time saying to people to keep handing that \$1 and it will be okay. Perhaps it's time to push them back to the budget they had last year and make them start spending it on the things that they are supposed to be spending it on because I don't think it's that difficult to understand the legislation we put forward. I don't think we need to have the level of representation here that one agency with a hundred miles of road seems to need to administer it. I ask you to maybe send a message on behalf of the people of the state of Maine that it's time. Thank you.

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

Senator **GOOLEY:** Thank you, Madame President. I rise to speak on this issue and just say that the turnpike is required, through its bond resolution, to maintain its highway to a certain level. If the turnpike fails to do this, as it almost certainly would under the constraints of the Minority Report budget, the MTA would be in default under its bond resolution. This would have legal consequences that cannot be predicted with certainty, but they would at a minimum include the inability of the Maine Turnpike Authority to construct any capital projects. Lastly, the proposed Minority Report budget is not only an attack on the Maine Turnpike Authority's ability to function but also an attack on the investment of the private bondholders. This is very important to us. Thank you very much.

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

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, it's those famous words; I hadn't intended to speak on this. I will make it brief, more famous words. It was an 11-2 report. It recognizes the importance of the Maine Turnpike to our transportation system. It recognized that it is perhaps the best maintained piece of roadway, all 110 miles of it, that we have in the state of Maine. It's maintained to that standard because it is a toll road. The toll that was put into effect that the good Senator from Penobscot, Senator Plowman, laments is that it increased. It did in fact increase and it increased sooner than it was proposed to be increased by the Board of Directors of the Maine Turnpike Authority. It did that because it had to react to the economic conditions that were facing it as we have to react to those same economic conditions as we deal with other aspects of our infrastructure in the state of Maine. We are not, by the way, dealing with our other aspects of transportation infrastructure as adequately as the turnpike and the Turnpike Authority is dealing with theirs. I have been in a couple of committees since I have been in this chamber and in this legislature and indeed in every one of them there are people who sit there on a regular basis, whether we call them lobbyists or not. They are there and I suspect they are paid to be there. The issue that is posed to be objectionable by having the Turnpike Authority have lobbyists in the Transportation Committee is at once laughable and sad. The objection being raised by perhaps some members of the committee by, I suspect, the two who voted in minority, who they themselves are often not there to view the amount of times that lobbyists would be there. To use that as some kind of an example or as an excuse not to support this pending motion and the Turnpike Authority's budget is nothing but objectionable and obstructionist. I suggest that we move on with the motion of Ought To Pass and attend ourselves to some other difficult duties that are before us in this day and in this session. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-109) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.



**ROLL CALL (#63)**

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

NAYS: Senators: BOWMAN, COURTNEY, HASTINGS,  
NASS, PLOWMAN, SHERMAN

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109)** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-109) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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The Chair laid before the Senate the following Tabled and Later (4/30/09) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes"

H.P. 566 L.D. 830

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-171)** (5 members)

Tabled - April 30, 2009, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 29, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 30, 2009, Reports **READ**.)

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

**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 the \$7 million bill that we were talking about. While I do think it's a worthy issue, another inequity, but having seen how we're not concerned about inequities in the retirement system and because I know the checkbook is low here in the State of Maine, I'm moving the Ought Not to Pass even though I voted for it in committee.

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

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

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On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Wednesday, May 6, 2009, at 10:00 in the morning.