

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

In Senate Chamber
Wednesday
May 6, 2009

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

Prayer by Senator Richard A. Nass of York County.

SENATOR NASS: Good morning. We pray for children who put chocolate fingers everywhere; who like to be tickled; who stomp in puddles and ruin their new pants; who sneak popsicles before supper; who can never find their shoes. We pray for those who can't bound down the street in a new pair of sneakers; who are born in places that we wouldn't be caught dead; who never go to the circus; who live in an X rated world. We pray for children who bring us sticky kisses and fistful of dandelions; who sleep with the dog and bury goldfish; who hug us in a hurry and forget their lunch money; who cover themselves with band-aides and sing off key; who squeeze toothpaste all over the sink; who slurp their soup. We pray for those who never get dessert; who have no safe blanket to drag behind them; who watch their parents watch them die; who can't find any bread to steal; who don't have any rooms to clean up; whose pictures aren't on anybody's dresser; whose monsters are real. We pray for children who spend all their allowance before Tuesday; who throw tantrums in the grocery store and pick at their food; who like ghost stories; who shove dirty clothes under the bed and never rinse out the tub; who gets visits from the Tooth Fairy; who don't like to be kissed in front of the carpool; who squirm in church or temple and scream on the phone; whose tears sometimes we laugh at and whose smiles can make us cry. We pray for those whose nightmares come in the daytime; who will eat anything; who have never seen a dentist; who aren't spoiled by anybody; who go to bed hungry and cry themselves to sleep; who live and move but have no being. We pray for children who want to be carried and for those who must; for those we never give up on; for those who never seem to get a second chance; for those we smoothen; for those who will grab at any hand from anyone kind enough to offer. Amen.

Reading of the Journal of Tuesday, May 5, 2009.

Doctor of the day, Dr. Judith Chamberlain, MD of Brunswick.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws"
H.P. 1024 L.D. 1473

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy"
H.P. 1025 L.D. 1474

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

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

Resolve, To Recognize Women Veterans in the State House Hall of Flags
H.P. 1023 L.D. 1470

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

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

Joint Resolution

The following Joint Resolution:
H.P. 1026

JOINT RESOLUTION RECOGNIZING MAY 2009 AS LUPUS AWARENESS MONTH

WHEREAS, systemic lupus erythematosus, commonly known as lupus, is an immune system disorder of unknown cause and in its systemic form may affect the joints, skin and one or more internal organs, such as the kidney, heart and brain; and

WHEREAS, lupus is a chronic, complex and life-threatening disease, in which there is always the potential threat of serious illness and disability, and while lupus can occur in men, 90% of the sufferers are women in their childbearing years, with African-American women, Native American women and women of Asian descent particularly affected; and

WHEREAS, ordinarily, the immune system protects against infection by producing antibodies that successfully combat foreign infectious agents, but in people with lupus, the immune system produces antibodies that can harm the individual's own tissues; and

WHEREAS, people with lupus have many different symptoms, but the most common are fatigue, muscle and joint pain, skin disorders, and inflammation of internal organs and inflammation of the vascular and nervous system. Early detection and proper treatment is critical to the quality of life and survival rate of lupus sufferers; and

WHEREAS, researchers estimate that over 1,500,000 people in the United States have been diagnosed with a form lupus or related diseases and approximately 100,000 new cases are diagnosed each year; and

WHEREAS, to fight lupus, new research and new approaches to diagnosis and treatment are needed and the alleviation of the suffering of lupus victims can be achieved through patient services and the promotion of early detection of undiagnosed cases through lupus awareness programs; and

WHEREAS, scientists in biology, biochemistry, immunology, genetics and other fields are seeking to understand the causes of lupus and to develop better means of detection, treatment and prevention; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that May 2009 is Lupus Awareness Month in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governor of Maine, the Honorable John E. Baldacci, and to the Department of Health and Human Services.

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

READ and **ADOPTED**, in concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations"

H.P. 485 L.D. 702

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Authorize the Employment of Animal Control Officers by Animal Shelters"

H.P. 362 L.D. 517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-192)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-192)**.

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

READ ONCE.

Committee Amendment "A" (H-192) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields"

H.P. 632 L.D. 914

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-193)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-193)**.

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

READ ONCE.

Committee Amendment "A" (H-193) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
H.P. 797 L.D. 1158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-194)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**.

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

READ ONCE.

Committee Amendment "A" (H-194) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention"

H.P. 447 L.D. 633

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-201)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201)**.

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

READ ONCE.

Committee Amendment "A" (H-201) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings"

H.P. 733 L.D. 1066

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-200)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-200)**.

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

READ ONCE.

Committee Amendment "A" (H-200) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program"

H.P. 140 L.D. 161

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-199)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199)**.

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

READ ONCE.

Committee Amendment "A" (H-199) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Maine Children's Growth Council" (EMERGENCY)

H.P. 671 L.D. 969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

READ ONCE.

Committee Amendment "A" (H-159) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Recommend Measures To Increase the Number of Turkeys Taken by Hunters

H.P. 202 L.D. 256

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170)**.

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

READ ONCE.

Committee Amendment "A" (H-170) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Require a Referee of a Land Dispute To Render a Decision within One Year"

H.P. 372 L.D. 527

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-191)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**.

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

READ ONCE.

Committee Amendment "A" (H-191) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure the Accuracy of Maine Election Results"

H.P. 809 L.D. 1170

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-187)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-187)**.

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

READ ONCE.

Committee Amendment "A" (H-187) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Joint Select Committee on **MAINE'S ENERGY FUTURE** on Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds (EMERGENCY)

H.P. 856 L.D. 1236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-197)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197)**.

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

READ ONCE.

Committee Amendment "A" (H-197) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Licensing Requirements for Marriage and Family Therapists"

H.P. 668 L.D. 966

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-198)**.

Signed:

Senators:
SCHNEIDER of Penobscot
SULLIVAN of York

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

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

Signed:

Senator:
RECTOR of Knox

Representatives:
AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast

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-198)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-198) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Concerning Campaign Report Exemptions"

H.P. 281 L.D. 374

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-188)**.

Signed:

Senators:
SULLIVAN of York
GOODALL of Sagadahoc
PLOWMAN of Penobscot

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

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

Signed:

Representative:
CAREY of Lewiston

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-188)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-188) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"

H.P. 568 L.D. 832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-189)**.

Signed:

Senators:
SULLIVAN of York
GOODALL of Sagadahoc
PLOWMAN of Penobscot

Representatives:
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

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

Signed:

Representatives:
BEAULIEU of Auburn
FITS of Pittsfield

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-189)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-189) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify the Use of Instant Redeemable Coupons with Alcoholic Beverages"
H.P. 912 L.D. 1309

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-190)**.

Signed:

Senators:
SULLIVAN of York
GOODALL of Sagadahoc
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
FITS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

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

Signed:

Representative:
VALENTINO of Saco

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-190)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-190) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production
S.P. 267 L.D. 692

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127)**.

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

READ ONCE.

Committee Amendment "A" (S-127) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **GERZOFKY** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Relating to Death Benefits for Certain Law Enforcement Officers"
S.P. 135 L.D. 393

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-132)**.

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

READ ONCE.

Committee Amendment "A" (S-132) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Simplify and Consolidate Maine's Fishing Laws and Rules"

S.P. 34 L.D. 85

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

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

READ ONCE.

Committee Amendment "A" (S-128) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Smelting on Certain Brooks on Long Lake in Aroostook County"

S.P. 108 L.D. 344

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

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

READ ONCE.

Committee Amendment "A" (S-129) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Clarify the Public Ownership of Marine Organisms within the Intertidal Zone"

S.P. 321 L.D. 852

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

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York

Representatives:

KRUGER of Thomaston
MacDONALD of Boothbay
PRESCOTT of Topsham
PENDLETON of Scarborough
WEAVER of York
PERCY of Phippsburg
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-130)**.

Signed:

Senator:

RECTOR of Knox

Representatives:

McKANE of Newcastle
EATON of Sullivan
TILTON of Harrington

Reports **READ**.

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

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act To Require the Convening of the Professional Standards Board" (EMERGENCY)

H.P. 759 L.D. 1104

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

House As Amended

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

H.P. 186 L.D. 232
(C "A" H-186)

Bill "An Act To Change the Classification of Certain Waters of the State"

H.P. 266 L.D. 330
(C "A" H-70)

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
(C "A" H-109)

Bill "An Act Relating to Geothermal Heat Exchange Wells"

H.P. 591 L.D. 860
(C "A" H-177)

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 6, 2009

Resolve, To Require the Department of Environmental Protection To Review Its Rules Regarding Incinerators

H.P. 698 L.D. 1010
(C "A" H-178)

Resolve, To Provide Assistance to Private Sellers of Firearms

H.P. 782 L.D. 1138
(C "A" H-180)

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
(C "A" H-176)

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

Bill "An Act To Reduce Misuse of Woodlands by the Public"

H.P. 370 L.D. 525
(S "A" S-78 to C "A" H-62)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

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

Bill "An Act To Define Services for Maine Runaway and Homeless Youth"

S.P. 418 L.D. 1127

Resolve, To Name the Bridge in Orland the Ralston C. Gray Bridge

S.P. 486 L.D. 1351

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Establish a Distracted Driver Law"

S.P. 15 L.D. 6
(C "A" S-126)

Bill "An Act To Bring Equity to the Sea Urchin License Fees"

S.P. 95 L.D. 278
(C "A" S-123)

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
(C "A" S-120)

Bill "An Act To Increase Child Support Collections"

S.P. 141 L.D. 399
(C "A" S-121)

Bill "An Act To Amend the Limited Liability Company Laws Concerning Management Standards"

S.P. 169 L.D. 466
(C "A" S-118)

Bill "An Act To Ensure Access to Public Information"

S.P. 206 L.D. 546
(C "A" S-119)

Bill "An Act To Protect Maine Residents from Home Fires and Carbon Monoxide"

S.P. 212 L.D. 550
(C "A" S-98)

Bill "An Act To Encourage Small Business Energy Efficiency"

S.P. 306 L.D. 792
(C "A" S-111)

Bill "An Act To Require the Disclosure of Insurance Policy Limits to an Injured Party"

S.P. 362 L.D. 979
(C "A" S-95)

Resolve, Establishing the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities (EMERGENCY)

S.P. 379 L.D. 1015
(C "A" S-116)

Bill "An Act To Improve Maine's Renewable Portfolio Standard"

S.P. 395 L.D. 1061
(C "A" S-124)

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

S.P. 494 L.D. 1359
(C "A" S-125)

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

Sent down for concurrence.

Bill "An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements"

S.P. 96 L.D. 300
(C "A" S-117)

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**.

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
(C "A" S-71)

READ A SECOND TIME.

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

Senate at Ease.

Senate called to order by the President.

ENACTORS

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

Emergency Measure

An Act To Fund Fully the Purchase of Military Time
H.P. 88 L.D. 104
(C "A" H-111)

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

Emergency Measure

An Act To Increase the Availability of Solar and Wind Power
S.P. 70 L.D. 220
(C "A" S-90)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Provide Free Admission to State Parks to Veterans and Military Personnel

S.P. 159 L.D. 456
(C "A" S-69; S "A" S-74)

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

Emergency Measure

An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps

S.P. 260 L.D. 685
(C "A" S-64)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Clarify the Right of Public School Employees To Engage in Collective Bargaining

H.P. 565 L.D. 829
(C "A" H-113)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Clarify the Definition of Hard Cider for the Purposes of the Returnable Container Law

H.P. 43 L.D. 50
(C "A" H-106)

An Act To Equitably Adjust the Workers' Compensation Board's Assessment

S.P. 62 L.D. 176

An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements

S.P. 67 L.D. 181
(C "A" S-67)

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 6, 2009

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

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

An Act To Expand Super Pack License Opportunities

H.P. 228 L.D. 288
(C "A" H-102)

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

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

An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels

H.P. 296 L.D. 389
(C "A" H-116)

An Act To Amend the Retail Tobacco and Liquor Licensing Laws

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

An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness

S.P. 181 L.D. 478
(C "A" S-76)

An Act To Support Pretrial Diversion Programs for Issuers of Worthless Checks

H.P. 356 L.D. 511
(C "A" H-105)

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

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

An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities

H.P. 444 L.D. 630
(C "A" H-107)

An Act To Amend the Laws Relating to the Department of Corrections

H.P. 445 L.D. 631
(C "A" H-101)

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

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

An Act To Improve Assistance for Technology-based Entrepreneurs

S.P. 342 L.D. 892

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

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

An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation

S.P. 385 L.D. 1021
(C "A" S-72; H "A" H-120)

An Act To Amend the Laws Governing Certain Reports and Reviews Related to Utilities and Energy and Certain Positions at the Public Utilities Commission

H.P. 796 L.D. 1152

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

S.P. 427 L.D. 1155

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

An Act To Encourage the Production of Liquid Biofuels
H.P. 427 L.D. 589
(C "A" H-119)

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

An Act Regarding Raffles Conducted by Nonprofit Organizations
S.P. 298 L.D. 771
(C "A" S-81)

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

Senate at Ease.

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **BLISS** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **LAWRENCE S. BLISS** of Cumberland County.

An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom

S.P. 384 L.D. 1020
(C "A" S-109)

Senator **RAYE** of Washington requested a Roll Call.

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

Senator **PLOWMAN:** Thank you, Mr. President. Men and women of the Senate, today I rise to speak for the people who were not represented here last week: men and women of faith all over the state of Maine. Persons who listened in and listened to not only our churches and the word of God be used to say that this is not about religion and yet it seemed to be all about religion for some people. Since that was brought up I'm going to bring up a few points. This bill is about religion. For all the people that will be made happy today there will be many others, who are people of faith, who will find they have no protections in this bill regarding their religious liberties. Four law school professors analyzed, without taking a position on gay marriage whatsoever, the provisions in this legislative document and wrote, 'We write to provide you with an analysis of the effects of S.P. 384 L.D. 1020 on religious liberty. Those effects would be widespread and profound. If it is passed in its current form without adequate religious conscience protections many religious organizations and individuals will be forced to engage in conduct that violates their deepest religious beliefs and religious organizations will be limited in crucial aspects of their religious exercise.' It goes on to say, 'Religious organizations and individuals that conscientiously object to same sex marriage will be labeled as unlawful discriminators under State law and face a range of penalties at the hands of State agencies and local governments such as the withdrawal of government benefits or exclusion from government facilities.' All of the conflicts that they list did not exist before this law or will be significantly intensified after the legalization of same sex marriage. Of course we cannot predict the outcome of future litigation over these conflicts and religious liberty advocates will litigate these claims vigorously under any protections available under state and federal law. At a minimum, however, the volume of new litigation will be immense and religious liberty advocates can also be expected to sue state and local governments for implementing, or even considering implementing, policies that harm conscience objectors. On the other side, people who feel they are being discriminated will also have their ability to bring suits against the people and businesses of the state of Maine who chose to exercise their religious liberty to conscientiously object.

Today, when you go forward, you are not just making a historical decision based on whether you think people of the same sex should be able to get married. You are making a decision that is not well founded and as you extend rights to people who are not constitutionally protected, do not have a constitutional right to marriage. If they did, our law saying traditional marriage is between a man and a woman would have been challenged and found unconstitutional. It has not. Therefore, as you extend these rights, do so very carefully because it is at the expense of the people of faith and as you go forward you will receive many thank yous. You have all enjoyed the thank yous. You will also receive calls and visits from your neighbors who are people of faith.

The condemnation that I heard last week was so disturbing I had to not respond that day. There are people who profoundly believe differently. They were referred to as people who could have come for you during the holocaust. The Catholic Church was denigrated for having persons who you wouldn't want to be your neighbor, absolutely, and people of faith sat by and heard that without a voice in this room. The people in this room, who have a job to defend the religious liberties of others, sat still as well. That's not my government. My government would have said enough. Some of the people out there said enough on both sides. Do you think we appreciate the level of debate that this goes to sometimes? Absolutely not. It hurts people of faith. When I heard the people of the state of Maine, who asked for a referendum, referred to as the mob, the angry mob who chose to choose Jesus over Barabbas, I don't see the people of the state of Maine as an angry mob. I see them as people who want to make a decision. I will tell you that before the angry mob decided what to do they made one choice, they said, 'We have no King but Caesar.' Well, I only have one God and it certainly isn't the State of Maine.

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

Senator **BARTLETT:** Thank you, Mr. President. I rise as a person of faith to speak in support of enactment of this bill. I, too, have looked at the letters that have been distributed to us from a few law professors from outside of the state. I have to say those letters were long on theory and short on common sense, practical experience, or knowledge of the State of Maine and its laws. They worry about whether religious colleges that offer married student housing will have to house a married same sex couple but they forget to note that none of our religious colleges even offer such housing. As with all such similar issues that have arisen over time, we can cross that bridge if we get there. They worry that businesses will be sued if they won't sell flowers or bake a cake for a wedding ceremony for a same sex couple. Maybe the economy is better in those states that people will turn down business and perhaps they don't know that in Maine, when you hold yourself out to the public for business, you serve all comers: gay, straight, Catholic, Somali, Franco, or anyone. That is true under current law. They worry that a church organist or secretary will sue if they are fired for marrying the person they love. Well, our State employment discrimination laws long ago recognized the balance necessary for the fair treatment with religious autonomy and we have rules about this. It is not a new issue. The letters are also filled with speculation and doomsday scenarios that haven't happened anywhere else and won't happen here in Maine. We respect religious liberties. We respect fair treatment of all in the public domain. We won't be scared off for treating committed gay and lesbian couples and their families fairly. This is long overdue. Let me finally briefly read from the bill itself which affirms the religious freedom that is already granted under the Constitution of the State of Maine. 'This part does not authorize any court or other state or local government body, entity, agency, or commission to compel, prevent, or interfere in any way with any religious institution's religious doctrine, policy, teaching, or solemnization of marriage within that particular religious faith's tradition as guaranteed by the Maine Constitution or the first amendment of the United States Constitution.' As a final note, people of faith come to this in a number of different ways. My particular religious faith does

solemnize same sex marriages already. To date their freedom of religion has not been respected by the State of Maine. Simply extending coverage of marriages to those recognized by a wide variety of faiths instead of narrowing to the few, in my view, furthers religious freedom in this state and supports people of faith, people of all faiths. Thank you.

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

Senator **COURTNEY:** Thank you, Mr. President. Men and women of the Senate, as we review L.D. 1020 there is a fiscal note on it. For the record, I'd pose a question through the Chair.

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Mr. President. To anyone who can answer, could they explain the process that has happened with the Appropriations Committee for the record with regards to L.D. 1020?

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

Senator **DIAMOND:** Thank you, Mr. President. Men and women of the Senate, the Appropriations Committee voted this morning 10-2 with one absent to exempt this bill from the table because there is no quantifiable fiscal note. That's the reason we exempt various bills from the Special Table. I'd be happy to be more specific if anyone would like. Thank you.

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 PRO TEM: The pending question before the Senate is Enactment. 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 (#64)

YEAS: Senators: ALFOND, BARTLETT, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, MARRACHE, MILLS, MITCHELL, NUTTING, PERRY, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT PRO TEM - LAWRENCE S. BLISS

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

ABSENT: Senator: ROSEN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Kennebec, Senator **MITCHELL** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **BLISS** to his seat on the floor.

Senate called to order by the President.

Resolves

Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife
S.P. 85 L.D. 244
(C "A" S-65)

Resolve, To Allow for the Support, Preservation and Maintenance of Maine Monuments in Gettysburg, Pennsylvania
S.P. 100 L.D. 304
(C "A" S-84)

Resolve, To Develop a Management Plan for the Nonwildlife Components of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County
S.P. 140 L.D. 398
(C "A" S-66)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State
S.P. 161 L.D. 458
(C "A" S-70)

Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands
H.P. 399 L.D. 561
(C "A" H-103)

Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists
H.P. 403 L.D. 565
(C "A" H-108)

Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System
S.P. 367 L.D. 984
(C "A" S-93)

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

ORDERS OF THE DAY

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

Emergency Measure

An Act To Fund Fully the Purchase of Military Time
H.P. 88 L.D. 104
(C "A" H-111)

Tabled - May 6, 2009, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 30, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**, in concurrence.)

(In House, May 5, 2009, **PASSED TO BE ENACTED.**)

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

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

Emergency Measure

An Act To Provide Free Admission to State Parks to Veterans and Military Personnel

S.P. 159 L.D. 456
(C "A" S-69; S "A" S-74)

Tabled - May 6, 2009, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence.

(In Senate, April 28, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-69) AND SENATE AMENDMENT "A" (S-74).**)

(In House, May 5, 2009, **PASSED TO BE ENACTED.**)

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

Senate at Ease.

Senate called to order by the President.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (**EMERGENCY**)

H.P. 1028 L.D. 1475

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

ORDERS OF THE DAY

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

NOMINATION - of Elizabeth L. Bordowitz of Portland for appointment as the Chief Executive Officer of the Finance Authority of Maine

Tabled - April 30, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, April 30, 2009, Communication (S.C. 277) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#65)

YEAS: Senators: PLOWMAN, SHERMAN

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

ABSENT: Senators: BRYANT, ROSEN

2 Senators having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Elizabeth L. Bordowitz** of Portland for appointment as the Chief Executive Officer of the Finance Authority of Maine was **CONFIRMED**.

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

THE PRESIDENT: The Chair would request that Elizabeth Bordowitz stand and accept the greetings and congratulations of the Maine Senate.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act Regarding Raffles Conducted by Nonprofit Organizations
S.P. 298 L.D. 771
(C "A" S-81)

Tabled - May 6, 2009, by Senator **RAYE** of Washington

Pending - **ENACTMENT**, in concurrence

(In Senate, April 29, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81).**)

(In House, April 29, 2009, **PASSED TO BE ENACTED.**)

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

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

Bill "An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers"

H.P. 133 L.D. 154
(C "A" H-112)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, April 28, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112).**)

(In Senate, April 30, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. On motion by Senator **JACKSON** of Aroostook, **RECONSIDERED.**)

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-131) **READ**.

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

Senator **JACKSON:** Thank you, Madame President. The amendment adds an Emergency Preamble and it also fixes a problem. When the feds changed their certification for the logging field. This makes it consistent with laws that we already have on the books in Maine.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "A" (S-131).

The Chair laid before the Senate the following Tabled and Later (5/5/09) Assigned matter:

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

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

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, April 29, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130).**)

(In Senate, May 5, 2009, **READ A SECOND TIME.**)

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1027

JOINT RESOLUTION RECOGNIZING MAINE ADULT EDUCATION

WHEREAS, Since 1871 Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of people throughout the State; and

WHEREAS, Maine's adult education programs are uniquely positioned to provide adults with the opportunity to learn where they live in all parts of Maine, with services in 85% of municipalities; and

WHEREAS, adult education programs are vital to the economic development of Maine and are actively responding to the current crisis of job loss by providing programs and courses specifically designed to help educate the workforce and prepare Maine adults for success, including:

1. Direct service to Maine adults who have experienced job loss, with enrollment increases in academic and job-related courses of between 30% and 100% following the downturn in the economy;

2. Career preparation and courses for Maine workers, plus certificate programs, including the implementation of a Work Ready Credential™ program focusing on workforce development skills for success on the job;

3. Literacy and English as a Second Language programs and successful family literacy programs combining adult education and early childhood and parenting instruction;

4. High school completion and GED programs, with 3,000 credentials awarded in Maine annually, with a major emphasis on individuals under the age of 25;

5. Comprehensive college transitions programs, in place in 22 regions covering every county in Maine, which provide career guidance, orientation to college and refresher and prerequisite classes for adults seeking college success; and

6. Community education, including a vibrant array of self-supporting courses contributing to the quality of life in Maine communities, offering the opportunity for Mainers of all ages to share talents and learn from others; and

WHEREAS, in 2009, Maine Adult Education launched a web portal system of coordinated websites for local programs allowing statewide searching for courses, online registration and payment; now therefore, be it

RESOLVED: That We, the Members of the One Hundred Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support of Maine's adult education programs, which uniquely meet the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in this period of economic uncertainty; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/8/09) Assigned matter:

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 6, 2009

An Act To Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts
S.P. 195 L.D. 500

Tabled - April 8, 2009, by Senator **RAYE** of Washington

Pending - **ENACTMENT**, in concurrence

(In Senate, March 26, 2009, **PASSED TO BE ENGROSSED**.)

(In House, April 7, 2009, **PASSED TO BE ENACTED**.)

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

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on School Administrative Regionalization" (EMERGENCY)
H.P. 153 L.D. 188

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-167)** (1 member)

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

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

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

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

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

Off Record Remarks

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Eliminate the Opt-out Penalty for Consolidation of Schools if a School Administrative Unit Forms an Alternative Organizational Structure" (EMERGENCY)

H.P. 846 L.D. 1226

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-125)** (1 member)

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

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

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

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

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

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require Candidates for Public Office To Provide Proof of Citizenship"
H.P. 617 L.D. 899

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-183)** (5 members)

Tabled - April 30, 2009, by Senator **SULLIVAN** of York

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

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

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

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

The Chair laid before the Senate the following Tabled and Later (5/5/09) Assigned matter:

HOUSE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

Tabled - May 5, 2009, by Senator **MARRACHÉ** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 30, 2009, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.)

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Thursday, May 7, 2009, at 10:00 in the morning.

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

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

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

Senator **COURTNEY**: Thank you, Madame President. Men and women of the Senate, I'd just like to speak to something on our calendar that I missed a little earlier. It's actually very important to me, personally. The Joint Resolution recognizing May 2009 as Lupus Awareness Month. A couple of years ago, actually about four or five years ago, my son was diagnosed with Lupus. As I read a little bit more about this there were some things that I didn't even realize, like how 90% of the sufferers are women in their childbearing years. I just wanted to shine the light on this disease a little bit and maybe not just let it go. We pass a lot of things in this body with good intentions. I just want to thank the good Representative Cleary from Aroostook County who put this in. There are so many things that are unknown about this disease. Back about four or five years ago when my son first got it he was living down in Florida. He was 19. His kidneys shut down. We rushed down to Florida and he was in this little hospital down in Spring Hill, Florida. They didn't know what to do. He went from 130 pounds to almost 200 pounds. He swelled right up. We just felt that if we left him in that hospital that he was going to die. We took him out of the hospital and brought him down to Tampa General to try to get into a larger medical facility. Fortunately, we found a doctor that could help. To this day I believe that what happened at that time probably saved his life. I don't want to get into a lot of detail about it, but I want to just tell you how important it is and how much I appreciate the opportunity, that this came forward, and especially for my son, Andrew. Thank you.

Off Record Remarks
