

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
Monday
May 18, 2009

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

Prayer by Senator Margaret M. Craven of Androscoggin County.

SENATOR CRAVEN: Thank you, Madame President. Good morning. I am grateful for the kind invitation to address you today and my theme today is about kindness. Some years ago Mother Theresa was visiting in Chicago and one of her guests asked what could she do to make a difference in somebody's life. Mother Theresa replied, 'Be kind to everybody that you encounter today. Many people live in despair, loss, and trouble in their lives and a kind word or smile will go a long way towards their healing.' I'm going to offer some quotes from some very famous people about kindness.

The very nature of kindness is to spread. If you are kind to others, today they will be kind to you and tomorrow to somebody else.

Kindness is in our power, even when fondness is not.
Samuel Johnson.

There is one word which may serve as a rule of practice for all one's life, reciprocity. Confucius.

Don't wait for people to be friendly, show them how. Author Unknown.

When I was young, I admired clever people. Now that I am old, I admire kind people. Abraham Joshua Heschel.

If we should deal out justice only in this world, who would escape? No, it is better to be generous, and in the end more profitable, for it gains gratitude for us and love. Mark Twain.

Kind words can be short and easy to speak but their echoes are truly endless. Mother Theresa.
God bless.

Pledge of Allegiance led by Senator Dennis S. Damon of
Hancock County.

Reading of the Journal of Thursday, May 14, 2009.

Doctor of the day, Dr. Virginia Eddy, MD of Cumberland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Allow the Licensing of Minibars in Hotel Rooms"
H.P. 318 L.D. 430
(C "A" H-134)

In Senate, May 5, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134) AS AMENDED BY HOUSE AMENDMENT "A" (H-290)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **SULLIVAN** of York, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 341

124th LEGISLATURE
OFFICE OF THE PRESIDENT

May 14, 2009

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

Dear Secretary O'Brien,

Please be advised that I have appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act To Reduce Misuse of Woodlands by the Public" (H.P. 370) (L.D. 525) the following:

Senator Bruce S. Bryant of Oxford County
Senator Troy D. Jackson of Aroostook County
Senator A. David Trahan of Lincoln County

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 331

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 804 An Act To Ensure the Integrity of Organic
Agricultural Crops

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. 342

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 879 An Act To Allow Licensed Kennel Owners To
Vaccinate Their Own Dogs

L.D. 1286 An Act To Amend State Dog Licensing Laws

We have also notified the sponsors and cosponsors of each bill listed 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. 343

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 370 An Act To Allow Mixed Martial Arts
Competitions in Maine

L.D. 731 An Act To Designate Cumberland County as a
Pine Tree Development Zone

We have also notified the sponsors and cosponsors of each bill listed 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. 344

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1107 An Act To Promote Personal Financial Responsibility by Allowing a Person To Make Good on Dishonored Checks Prior to the Imposition of Criminal Penalties

L.D. 1338 An Act To Deter Graffiti

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Anne M. Haskell
House Chair

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

The Following Communication: S.C. 332

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1299 An Act To Streamline the Fingerprinting Process

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. 333

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

May 12, 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. 217 Resolve, To Increase Transparency in the Long-term Care Planning and Delivery Process To Ensure Maine's Elderly Can Make Informed Choices

L.D. 251 An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor

L.D. 802 An Act To Require Reporting on Medical Services or Treatment Provided to Minors without Parental Consent

L.D. 1433 An Act Regarding the Creation of Capitated Behavioral Health Pilot Programs

L.D. 1452 Resolve, Establishing the Committee To Study the Feasibility of Instituting Testing for Sports-related Head Injuries (EMERGENCY)

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. 345

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1276 An Act To Ensure That High-quality Services Are Provided to Behavioral Health Clients

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 334

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

May 8, 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. 1301 An Act To Require Snowmobile Safety Training

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. 335

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1237 An Act To Modify Maine's Fishway Laws

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. 336

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

May 12, 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. 148 An Act To Provide Notice of Foreclosures to Tenants
- L.D. 377 An Act To Amend the Procedure for Foreclosure Regarding Timing and Sale
- L.D. 641 An Act To Notify Municipal Assessors of Foreclosure Actions
- L.D. 728 An Act To Protect Homeowners in Foreclosure Proceedings
- L.D. 1125 An Act To Improve the Home Foreclosure Process
- L.D. 1144 An Act To Protect Tenants during Foreclosure

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. 346

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 756 An Act To Discourage the Misuse of the Process for Obtaining Protection from Abuse
- L.D. 1208 An Act To Encourage Transparency in the Oversight of Interscholastic Activities
- L.D. 1353 An Act Regarding Salary Information for Public Employees
- L.D. 1382 An Act To Provide for Equality before the Law

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

Sincerely,

S/Sen. Lawrence S. Bliss
Senate Chair

S/Rep. Charles R. Priest
House Chair

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

The Following Communication: S.C. 337

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

May 8, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 26 An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan

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

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

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

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

The Following Communication: S.C. 347

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

May 12, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1379 An Act To Authorize the Operation of Slot Machines on the Passamaquoddy Reservation

L.D. 1458 An Act To Increase Opportunities for Commercial Tracks and Agricultural Fairs

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Pamela Jabar Trinward
House Chair

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

The Following Communication: S.C. 348

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1081 An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

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. 349

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 173 An Act To Restore Funding for a Fish Hatchery in Northern Maine

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: S.C. 350

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1422 Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources

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. 338

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 279 An Act To Amend the Laws Governing the Fund for the Efficient Delivery of Local and Regional Services

L.D. 1147 Resolve, To Allow the Secretary of State and the InforME Board To Facilitate the Payment of Outstanding Parking Tickets When Registering a Motor Vehicle

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

Sincerely,

S/Sen. Deborah L. Simpson
Senate Chair

S/Rep. Stephen R. Beaudette
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 351

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

May 14, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 538 An Act To Consolidate the Department of Marine Resources and the Department of Inland Fisheries and Wildlife into a New Department of Fish, Wildlife and Marine Resources
- L.D. 1064 An Act To Increase Efficiency through Regionalization
- L.D. 1098 Resolve, To Transfer Ownership of the Reed Center on the Stevens Campus in the City of Hallowell to School Administrative District No. 16
- L.D. 1220 An Act To Create Incentives for the Consolidation of Municipal Services

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

Sincerely,

S/Sen. Deborah L. Simpson
Senate Chair

S/Rep. Stephen R. Beaudette
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 339

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 237 An Act To Impose an Excise Tax on the Extraction of Water for Bottling
- L.D. 842 An Act To Exclude Business and Capital Losses from Consideration as Income under the Circuitbreaker Program
- L.D. 1124 An Act To Provide Legislative Oversight of Changes to Policies and Practices of the Bureau of Revenue Services
- L.D. 1214 An Act To Amend the Laws Regarding the Taxation of Private and Public Pensions
- L.D. 1347 An Act To Deter Initiation of Tobacco Use by Increasing the Tax on Tobacco Products (EMERGENCY)
- L.D. 1367 An Act To Increase the Homestead Property Tax Exemption
- L.D. 1463 An Act To Provide Equitable Property Tax Relief To Maintain Traditional Communities

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. 340

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 432 An Act To Ensure That the Maine Turnpike Authority Conducts Public Hearings for Construction and Reconstruction Projects and That All Public Records of the Maine Turnpike Authority Are Open for Inspection
- L.D. 1274 An Act To Establish a Gold Star Family Member License Plate
- L.D. 1383 An Act To Provide Support to Municipal Government by Imposing a Municipal Surcharge on 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**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants"
H.P. 993 L.D. 1417

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 Allow Denturists To Practice to the Level of Their Educational Training"
H.P. 493 L.D. 710

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**.

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

READ ONCE.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Creating a Commission To Study the Issue of Homeless Veterans in the State

H.P. 765 L.D. 1110

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-265)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)**.

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

READ ONCE.

Committee Amendment "A" (H-265) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Allow the Direct Sale of Shellfish to Retailers"

H.P. 335 L.D. 447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-216)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216) AS AMENDED BY HOUSE AMENDMENT "A" (H-277)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-216) **READ**.

House Amendment "A" (H-277) to Committee Amendment "A" (H-216) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-216) As Amended by House Amendment "A" (H-277) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Enhance Safety at Construction Sites by Regulating Open Trenches"

H.P. 756 L.D. 1094

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-269)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)**.

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

READ ONCE.

Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"

H.P. 854 L.D. 1234

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-225)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**.

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

READ ONCE.

Committee Amendment "A" (H-225) **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 Laws Governing the Maine Economic Improvement Fund"

H.P. 661 L.D. 959

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

Signed:

Senators:

SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:

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

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

Signed:

Representatives:

AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Subrogation of Medical Payments Coverage"

H.P. 513 L.D. 754

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-168)**.

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

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

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

RICHARDSON of Warren
WEAVER of York
FOSSEL of Alna

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-168)**.

Reports **READ**.

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

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

Senator **McCORMICK:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise in opposition to the current motion. This particular bill would take away what's been practiced in law in this state for many years. Basically, if I were involved in an automobile accident and my insurance company made payments for medical causes on my behalf, it is a long held practice that they may go to the other insurance company and try to recoup those expenses from the at-fault person. In addition, if I, personally, were to sue the at-fault person and if I was to get an award or a settlement and they had not recouped their medical

expenses they could take part of that settlement and apply those to their expenses. The whole idea being that they represent me. They are trying to keep my insurance costs down. This bill would eliminate that subrogation of penalties. On the original bill, when it was first voted in Committee, there were three members of this Body that thought it was a bad idea and opposed it. A couple of weeks later we entertained an amendment that would say that it would modify this bill to where if the settlement was more than \$20,000 they would allow the subrogation, if it was under \$20,000 it would not. In my opinion, I was opposed to this. It was a bad bill when it began and it is still a bad bill and sets a precedent that's not custom in many other states. I encourage you to oppose the pending motion. Thank you very much.

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

Senator **BOWMAN:** Thank you, Madame President. The committee amendment to this bill allows subrogation only when an insured's award or settled damages exceeds \$20,000. I want to read to you, just very briefly, the sponsor's testimony on this particular bill. 'Medical payments coverage is part of every automobile insurance coverage issued in the state. It is intended to promptly pay your medical bills regardless of who is at fault in the accident. Typically this amount is \$5,000 or less and your insurer pays this amount to you. This is coverage that you pay for in your own individual policy. The coverage is especially important to someone who is involved in an accident and has no other health insurance to pay for medical bills and for those with medical insurance so that it can cover any deductibles or co-payments that they might have. The problem with this coverage in Maine is that when you attempt to settle a claim for damages against another party who is responsible for the accident your own insurance company then wants to be reimbursed for the medical bills that they paid. This action by your own insurance company is called subrogation and in fact, even though you purchased this coverage, your insurance company wants the money back, which is taken from your settlement with the other insurance company. This action by your own insurance company is almost always a shock to the victim of the accident and often makes it extremely difficult to settle cases, especially if they are small, which is most of the time. If cases cannot be settled they are then pursued in court, which is costly to all involved.' I believe that this is a pro-individual as opposed to a pro-insurance company measure that we are taking here. It's only in small amounts that we are talking about, less than \$20,000. It would decrease the court workload and for those reasons I believe that this bill, as amended in Committee, ought to pass. Thank you.

On motion by Senator **McCORMICK** of Kennebec, 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 Arrostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **SHERMAN**: Thank you, Madame President. During the testimony on this bill, I gather the insurance companies opposed, was there any financial figures given as to the amount of money they felt they would lose?

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 Cumberland, Senator Bartlett.

Senator **BARTLETT**: Thank you, Madame President. I rise in support of the pending motion. I think what is important to understand here is that what we are talking about is shifting money around within the system, not new costs to anyone. It's just a matter of how it gets paid. Currently, if you are in an automobile accident, as the good Senator from York had mentioned, your own insurance company will typically pick up \$5,000 in med pay. When you go in to settle your personal injury claim against a third party you are going to have to turn around and pay that \$5,000 back to the insurance company. It's an administrative issue. It's complicated. People don't realize it, necessarily, when they are settling. All this is saying is when the \$5,000 is paid by your own insurance company you don't have to pay it back when you settle your case. If anything it's a shift just from one auto insurance carrier to the next. There is no net added cost to the system. When you settle your case it will be taken into account that you don't have to reduce it. Other states already do this, for example New Hampshire, our neighbor, does not allow recovery of subrogation. It just affects the value of the settlement. It's just a matter of shifting money around between insurance companies and avoiding the hassle. When you are injured you are trying to deal with getting your case settled. Having this additional hassle is just complicated. People don't understand it. This is streamlining it. Simplifying it. It shouldn't overall affect the cost of policies.

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

Senator **PLOWMAN**: Thank you, Madame President. Men and women of the Senate, as a former legal secretary and clerk for most of my life before I came here, I can tell you that every law firm I worked at had the new associates do the subrogation. I also worked for many of the trial lawyers that you see in the halls here today. The net result of this is that the 25% to 30% that is owed to an attorney is based on how much money does not go back to the insurance company. That \$5,000 that stays in the settlement becomes the part of the settlement from which you take your 25% or 30%, depending on whether it goes to trial or not. Also in many cases where there is a settlement the attorneys actually will make phone calls and try to dicker with the providers and the insurance companies to get them to take a certain amount. That's also a representation that's done by attorneys. Basically, when you are talking about making someone whole that is the insurance company's problem and it should be the problem of the person who caused the action and should be on the hook. Your insurance company is there to make sure you get the care you need, when you need it, as quickly as possible so that you don't have to wait for a suit to be cared for. It should be their ability to turn around to the party who created your situation and say to them, 'We took care of them first, we did the right thing, but those costs don't belong to us.' Those costs belong to the party

who actually caused the action and caused the damages. It's a long held principle that you are making the party whole. There is a long held principle that you do pay your attorney for what you do and it's a long held principle that you should be able to recover the costs that you incurred to make sure that your client, your customer, got everything they needed. Changing this changes the relationship all the way around. I don't think it's necessary and I think that it was a bad bill and I think that the addition on it makes it just as onerous. If you don't think that it's going to have some kind of impact on rates, especially your rates because now this becomes your experience with your insurance company. I don't see how you can leave that logic out of it. I would urge you to reject this. Thank you.

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

Senator **BARTLETT**: Thank you, Madame President. I rise to make one correction. This will not have any impact on attorney's fees. Currently if your own insurance company pays for \$5,000, for example, and you pay that back out of the settlement, it's reduced by the amount of attorney's fees so the net effect, in terms of the costs to attorneys is indifferent. It really comes down to the amount of money that stays in the pocket of the person who is injured.

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

Senator **BOWMAN**: Thank you, Madame President. I just want to reiterate what has been said before. New Hampshire, our frugal neighbor, which we often refer to enviously in certain circumstances, already figured out the concepts expounds by this bill as modified by the amendment a long time ago. In New Hampshire med pay coverage is considered a contractual coverage that you have purchased and is not subject to subrogation. I believe that the public policy in Maine should be the same. I ask your support for the bill.

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

Senator **McCORMICK**: Thank you, Madame President. I would just like to make one comment about the claim that this would not add any cost to the system. If my insurance company pays \$5,000 for my medical benefits and your insurance company pays me \$5,000 for my insurance benefits there is a \$10,000 cost now to the insurance industry as a whole, not \$5,000 if they had just swapped it within the system as somebody else claimed. Thank you very much.

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 (#79)

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, NUTTING, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

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

READ ONCE.

Committee Amendment "A" (H-168) **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 Games of Chance"

H.P. 947 L.D. 1346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-267)**.

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
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought 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-267)**.

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-267) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Artists and Art Galleries"

S.P. 396 L.D. 1062

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-160)**.

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

READ ONCE.

Committee Amendment "A" (S-160) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prevent Predatory Marketing Practices against Minors Regarding Data Concerning Health Care Issues"

S.P. 431 L.D. 1183

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-161)**.

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

READ ONCE.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse"

S.P. 289 L.D. 742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166).**

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

READ ONCE.

Committee Amendment "A" (S-166) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Clarify and Strengthen the State's Motor Vehicle Laws"

S.P. 530 L.D. 1445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167).**

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

READ ONCE.

Committee Amendment "A" (S-167) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal the Informed Growth Act"

S.P. 83 L.D. 242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-162).**

Signed:

Senator:
COURTNEY of York

Representatives:

BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
HARVELL of Farmington
CLARK of Easton
COTTA of China

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

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:

BOLAND of Sanford
BEAUDETTE of Biddeford
KAENRATH of South Portland
SCHATZ of Blue Hill

Reports **READ**.

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

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

On motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **SIMPSON** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Requested)

Divided Report

The Majority of the Committees on **NATURAL RESOURCES AND THE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Regulation of Agricultural Composting Operations"

S.P. 115 L.D. 351

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

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
BRYANT of Oxford

Representatives:

BOLDUC of Auburn
 KNAPP of Gorham
 MARTIN of Eagle Lake
 EBERLE of South Portland
 DUCHESNE of Hudson
 WALSH INNES of Yarmouth
 WELSH of Rockport
 McCABE of Skowhegan
 PERCY of Phippsburg
 PRATT of Eddington
 KENT of Woolwich
 O'BRIEN of Lincolnville

The Minority of the same Committees on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-165)**.

Signed:

Senators:

NUTTING of Androscoggin
 SMITH of Piscataquis
 SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
 EDGECOMB of Caribou
 AYOTTE of Caswell
 GIFFORD of Lincoln
 PIEH of Bremen
 SMITH of Monmouth
 CRAY of Palmyra

Reports **READ**.

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

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

SECOND READERS

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

House

Bill "An Act To Revise the Charter of the Portland Water District"
 H.P. 815 L.D. 1176

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

House As Amended

Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 69 L.D. 79
 (C "A" H-49)

Bill "An Act To Improve Oral Health Care for Maine's Children"

H.P. 84 L.D. 100
 (C "A" H-255)

Bill "An Act To Promote Public Safety Answering Point Efficiency"

H.P. 393 L.D. 555
 (C "A" H-254)

Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"

H.P. 484 L.D. 701
 (C "A" H-250)

Bill "An Act To Empower Anglers in Fish Stocking Decisions"

H.P. 497 L.D. 714
 (C "A" H-246)

Bill "An Act To Increase Snowmobile Registration Fees"

H.P. 559 L.D. 823
 (C "A" H-245)

Bill "An Act To Change the Maine HIV Advisory Committee"

H.P. 596 L.D. 865
 (C "A" H-243)

Bill "An Act To Amend the Laws Governing the Reporting of Crimes on the Maine Registry of Certified Nursing Assistants"

H.P. 608 L.D. 877
 (C "A" H-259)

Bill "An Act To Amend the Rate of Tax on New Manufactured Housing"

H.P. 624 L.D. 906
 (C "A" H-262)

Bill "An Act Regarding New Utility Line Extension Construction"

H.P. 670 L.D. 968
 (C "A" H-253)

Bill "An Act Regarding the Purchase of Fuel for Off-road Use"

H.P. 720 L.D. 1045
 (C "A" H-247)

Bill "An Act To Improve Children's Safety in Public Swimming Pools"

H.P. 804 L.D. 1165
 (C "A" H-261)

Bill "An Act To Add Combat Action Badges and Ribbons to the Special Commemorative Decals for Veterans License Plates"

H.P. 814 L.D. 1175
 (C "A" H-264)

Resolve, To License Wetland Scientists
H.P. 859 L.D. 1240
(C "A" H-249)

Bill "An Act To Require Licensing for Certain Mechanical Trades"
H.P. 860 L.D. 1241
(C "A" H-248)

Bill "An Act To Amend the Laws Concerning Child Abuse and Neglect Councils"
H.P. 882 L.D. 1263
(C "A" H-260)

Bill "An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters"
H.P. 914 L.D. 1311
(C "A" H-263)

Bill "An Act To Designate July 12th as Wyeth Day" (EMERGENCY)
H.P. 979 L.D. 1400
(C "A" H-251)

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

Bill "An Act To Provide Additional Time to Certain School Administrative Units To Comply with School Administrative Unit Reorganization Laws" (EMERGENCY)
H.P. 449 L.D. 635
(C "A" H-256)

READ A SECOND TIME.

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

Senate As Amended

Bill "An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits"
S.P. 90 L.D. 267
(C "A" S-156)

Bill "An Act To Rate Energy Efficiency and Carbon Emissions of Buildings"
S.P. 357 L.D. 935
(C "A" S-155)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Permanent Commission on the Status of Women
H.P. 190 L.D. 236
(C "A" H-215)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Allow Limited Information Sharing in Domestic Violence Cases
H.P. 260 L.D. 324
(C "A" H-213)

An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors
H.P. 267 L.D. 331

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation
H.P. 308 L.D. 420
(C "A" H-224)

An Act To Amend the Laws Concerning Wrongful Death
H.P. 316 L.D. 428
(C "A" H-212)

An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations
H.P. 437 L.D. 623
(C "A" H-203)

An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of "Public Records"
H.P. 562 L.D. 826
(C "A" H-211)

An Act To Rename the Division of Deafness within the Department of Labor

H.P. 599 L.D. 868
(H "A" H-238)

An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions

H.P. 714 L.D. 1039
(C "A" H-210)

An Act To Add a Member to the Advisory Council on Health Systems Development

H.P. 738 L.D. 1071
(C "A" H-204)

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 Promote Forest Certification and Long-term Forest Management

H.P. 385 L.D. 540
(C "A" H-209)

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

An Act To Authorize the Social Work Education Loan Repayment Program

H.P. 494 L.D. 711
(C "A" H-218)

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

An Act To Amend the Laws Governing Axle Weights

H.P. 605 L.D. 874
(C "A" H-223)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

RECALLED FROM GOVERNOR'S DESK

An Act To Amend the Retail Tobacco and Liquor Licensing Laws

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

(In Senate, May 6, 2009, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 561), in concurrence.)

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83)**.

On further motion by same Senator, Senate Amendment "A" (S-163) **READ**.

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

Senator **BRANNIGAN:** Thank you, Madame President. This is a bill that was going to take effect when we finish, 90 days afterwards. These types of licenses have to be renewed in late June. Therefore we needed an Emergency Preamble and Emergency passage of this bill. I hope you will join me in adopting this amendment.

On motion by same Senator, Senate Amendment "A" (S-163) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83) AND SENATE AMENDMENT "A" (S-163), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

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

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 18, 2009

Senator **SCHNEIDER** of Penobscot 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.

Off Record Remarks

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BARTLETT** of Cumberland,
ADJOURNED, to Tuesday, May 19, 2009, at 10:00 in the morning.