

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

Pages 1 - 1159

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

In Senate Chamber  
Tuesday  
May 26, 2009

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

Prayer by Reverend Jane Dibden Schwab, Covenant Chapel of  
North Vassalboro.

**REVEREND DIBDEN SCHWAB:** Good morning. Let us pray.  
Dear Lord, You tell us in Ecclesiastes, chapter 3, that to  
everything there is a season. First of all, thank You for this great  
Spring we are having and a long weekend that was very beautiful.  
There are many kinds of seasons in our lives and lately it seems  
as though the seasons have been colliding. So much is  
happening and so much is changing. The change can be  
liberating and it can also be hard. Some of our fellow Mainers  
and Americans are suffering and others are growing and  
changing and prospering in new ways in these times. We are all  
leaders in this Chamber and we take that responsibility seriously,  
Lord, so we ask for strength. If we need to reflect, please give us  
quietude. If we need to act, please give us wisdom. You tell us in  
James, chapter 1, that if we are low or lacking in wisdom that You  
will give it to us liberally and without reproach. Finally, Lord, we  
are comforted, encouraged, and yet also held accountable when  
the Psalmist says, 'My times are in Your hands.' Thank You,  
Lord, that we are here for such a time as this and the people say  
together Amen.

Pledge of Allegiance led by Senator Richard W. Rosen of  
Hancock County.

Reading of the Journal of Thursday, May 21, 2009.

Doctor of the day, Dr. Katherine Pope, MD of Cumberland  
Foreside.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An  
Act To Clarify the Application of the Public Works Minimum Wage  
Laws"

H.P. 584 L.D. 849

Majority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-241)** (8 members)

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

In House, May 13, 2009, the Majority **OUGHT TO PASS AS  
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED  
TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-241)**.

In Senate, May 20, 2009, the motion by Senator **JACKSON** of  
Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS  
AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT  
NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A  
COMMITTEE OF CONFERENCE**.

Senator **JACKSON** of Aroostook moved the Senate **INSIST** and  
**JOIN IN A COMMITTEE OF CONFERENCE**.

Senator **RAYE** of Washington requested a Division.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until  
Later in Today's Session, pending the motion by Senator  
**JACKSON** of Aroostook to **INSIST** and **JOIN IN A COMMITTEE  
OF CONFERENCE**. (Roll Call Ordered)

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **INLAND  
FISHERIES AND WILDLIFE** on Bill "An Act To Increase Youth  
Boating Safety"

H.P. 829 L.D. 1204

Majority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-274)** (11 members)

Minority - **Ought Not to Pass** (1 member)

In House, May 18, 2009, the Majority **OUGHT TO PASS AS  
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED  
TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-274)**.

In Senate, May 19, 2009, on motion by Senator **BRYANT** of  
Oxford, the Minority **OUGHT NOT TO PASS** Report **READ** and  
**ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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**COMMUNICATIONS**

The Following Communication: S.P. 565

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

May 22, 2009

Sen. Troy Dale Jackson  
Senate Chair, Joint Standing Committee on Labor  
Rep. John L. Tuttle  
House Chair, Joint Standing Committee on Labor  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Sophia Wilson of Dover-Foxcroft for appointment to the Maine Workers' Compensation Board.

Pursuant to Title 39-A M.R.S.A. §151 (1), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House  
**READ** and **REFERRED** to the Committee on **LABOR**.

Sent down for concurrence.

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The Following Communication: S.C. 364

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

May 21, 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. 477 An Act To Fund State Drug Prosecutors

L.D. 615 An Act To Strengthen Landowner Rights in Certain Eminent Domain Situations (EMERGENCY)

L.D. 897 An Act To Prohibit Mandatory Binding Arbitration

L.D. 981 Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain (EMERGENCY)

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**.

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Create a Large Game Shooting Area in Piscataquis County"  
H.P. 252 L.D. 316

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-236)**.

Signed:

Senator:  
SHERMAN of Aroostook

Representatives:  
GIFFORD of Lincoln  
McCABE of Skowhegan  
PERCY of Phippsburg  
EDGEComb of Caribou  
PRATT of Eddington  
CRAY of Palmyra

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

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford

Representatives:

PIEH of Bremen  
SMITH of Monmouth  
KENT of Woolwich  
O'BRIEN of Lincolnville

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-236)**.

Reports **READ**.

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

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

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

H.P. 326 L.D. 438

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

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln  
McCABE of Skowhegan  
PERCY of Phippsburg  
SMITH of Monmouth  
EDGECOMB of Caribou  
CRAY of Palmyra

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

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford

Representatives:

PIEH of Bremen  
KENT of Woolwich  
O'BRIEN of Lincolnville

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

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions from Income Tax"  
H.P. 161 L.D. 196

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

Signed:

Senators:

PERRY of Penobscot  
BLISS of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-332)**.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth  
CHASE of Wells  
KNIGHT of Livermore Falls

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

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Recouple Maine Estate Tax with the Federal Estate Tax"  
H.P. 163 L.D. 198

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

Signed:

Senators:

PERRY of Penobscot  
BLISS of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-333)**.

Signed:

Senator:

NASS of York

Representatives:

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

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

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Private Way Laws with Regard to Road Associations"

H.P. 918 L.D. 1315

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-316)**.

Signed:

Senators:

DAMON of Hancock  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach  
PEOPLES of Westbrook  
THERIAULT of Madawaska  
HARLOW of Portland  
CAREY of Lewiston  
BROWNE of Vassalboro

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

Signed:

Representatives:

MAZUREK of Rockland  
THOMAS of Ripley  
CEBRA of Naples

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-316)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

Ten members of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists"

H.P. 309 L.D. 421

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-326)**.

Signed:

Senator:

RECTOR of Knox

Representatives:

SMITH of Monmouth  
WRIGHT of Berwick  
AUSTIN of Gray  
MacDONALD of Boothbay  
PRESCOTT of Topsham  
HUNT of Buxton  
MARTIN of Orono  
GILES of Belfast  
COHEN of Portland

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

Signed:

Senator:

SCHNEIDER of Penobscot

Representative:

CLEARY of Houlton

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-327)**.

Signed:

Senator:

SULLIVAN of York

Comes from the House with Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**.

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

**Ought to Pass**

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute"

S.P. 101 L.D. 337

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

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

**READ ONCE**.

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

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Law Concerning Adverse Possession"

S.P. 133 L.D. 391

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

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

**READ ONCE**.

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

Senator GOODALL for the Committee on **NATURAL RESOURCES** on Bill "An Act Relating to Biomass Gasification"

S.P. 554 L.D. 1479

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

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

**READ ONCE**.

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

**Ought to Pass As Amended**

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law"

S.P. 532 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-202)**.

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

**READ ONCE.**

Committee Amendment "A" (S-202) **READ** and **ADOPTED**.

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

---

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Protection of Funding of Certain Programs Administered by the Department of Inland Fisheries and Wildlife

S.P. 75 L.D. 225

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

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

**READ ONCE.**

Committee Amendment "A" (S-201) **READ** and **ADOPTED**.

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

---

Senator BOWMAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Consumer Disclosures and Protect Consumer Options in Life Insurance" S.P. 397 L.D. 1063

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

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

**READ ONCE.**

Committee Amendment "A" (S-200) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Examine Environmental Effects of the Dual Recovery System for Beverage Containers

S.P. 270 L.D. 733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195)**.

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 To Pass as Amended by Committee Amendment "B" (S-196)**.

Signed:

Senator:

RECTOR of Knox

Representatives:

AUSTIN of Gray  
PRESCOTT of Topsham  
GILES of Belfast

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195)**.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require the Teaching of Acadian History as Part of Maine History"

S.P. 121 L.D. 357

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

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo



Representatives:

SUTHERLAND of Chapman  
FINCH of Fairfield  
JOHNSON of Greenville  
LOVEJOY of Portland  
McFADDEN of Dennysville  
NELSON of Falmouth  
RANKIN of Hiram  
RICHARDSON of Carmel  
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-199)**.

Signed:

Representative:

CASAVANT of Biddeford

Reports **READ**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding the Purchase of Fish for Stocking Inland Waters"

S.P. 241 L.D. 667

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

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

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

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

Signed:

Representatives:

CLARK of Millinocket  
DAVIS of Sangerville  
SAVIELLO of Wilton

Reports **READ**.

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

Sent down for concurrence.

---

**Divided Report**

Nine members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Department of Health and Human Services' Progressive Treatment Program"  
S.P. 105 L.D. 341

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

Signed:

Senators:

MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:

PERRY of Calais  
PETERSON of Rumford  
SANBORN of Gorham  
JOY of Crystal  
CAMPBELL of Newfield  
LEWIN of Eliot  
STRANG BURGESS of Cumberland

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

JONES of Mount Vernon  
STUCKEY of Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-198)**.

Signed:

Representative:

EVES of North Berwick

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (S-197).**)

Reports **READ**.

On motion by Senator **MARRACHÉ** of Kennebec, Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-197) ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-197) **READ** and **ADOPTED**.

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

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**SECOND READERS**

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

**House**

Bill "An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records"  
H.P. 478 L.D. 695

Bill "An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington"  
H.P. 961 L.D. 1371

Resolve, Regarding the Maine State Cultural Building in Augusta  
H.P. 1033 L.D. 1480

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

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**House As Amended**

Bill "An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment"  
H.P. 46 L.D. 53  
(H "A" H-317 to C "A" H-173)

Bill "An Act Regarding Grassroots Lobbying"  
H.P. 246 L.D. 310  
(C "A" H-208)

Bill "An Act To Modify the Informed Growth Act"  
H.P. 336 L.D. 448  
(C "A" H-232)

Bill "An Act To Clarify the Maine Uniform Building and Energy Code"  
H.P. 466 L.D. 652  
(C "A" H-301)

Bill "An Act To Require Due Process and To Establish Expiration Dates for Criminal Trespass and Harassment Notices"  
H.P. 528 L.D. 777  
(C "A" H-315)

Bill "An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names"  
H.P. 546 L.D. 797  
(C "A" H-312)

Resolve, To Authorize Efficiency Maine To Conduct a Pilot Conservation Program  
H.P. 626 L.D. 908  
(C "A" H-308)

Bill "An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program"  
H.P. 650 L.D. 947  
(C "A" H-313)

Bill "An Act To Amend the Laws Governing Liquor Liability and Licensing"  
H.P. 673 L.D. 971  
(C "A" H-325)

Bill "An Act To Promote Cogeneration of Energy at Maine Sawmills"  
H.P. 719 L.D. 1044  
(C "A" H-302)

Bill "An Act To Amend the Election Laws"  
H.P. 808 L.D. 1169  
(C "A" H-311)

Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee"  
H.P. 823 L.D. 1199  
(C "A" H-314)

Bill "An Act Pertaining to Volunteer Lobbyists for Nonprofit Organizations"  
H.P. 835 L.D. 1210  
(C "A" H-310)

Bill "An Act To Generate Savings by Changing Public Notice Requirements"  
H.P. 890 L.D. 1271  
(C "A" H-330)

Bill "An Act To Establish Head Injury Safety Requirements for School Athletic Programs"  
H.P. 903 L.D. 1300  
(C "A" H-319)

Bill "An Act To Restructure the State Planning Office"  
H.P. 916 L.D. 1313  
(C "A" H-329)

Bill "An Act To Create the Hancock Pond Water District"  
(EMERGENCY)

H.P. 921 L.D. 1318  
(C "A" H-303)

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

Bill "An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children"

H.P. 928 L.D. 1324  
(C "A" H-318)

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

Bill "An Act To Streamline Ratemaking for Consumer-owned Water Utilities"

H.P. 950 L.D. 1349  
(C "A" H-320)

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Bill "An Act To Simplify Maine's Accountancy Laws"

H.P. 962 L.D. 1372  
(C "A" H-307)

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Clarify Apportionment of Benefits for Multiple Work Injuries"  
S.P. 500 L.D. 1384

Bill "An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy"

H.P. 1025 L.D. 1474  
(C "A" H-321)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-203)**.

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

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

**READ ONCE**.

Committee Amendment "A" (S-203) **READ** and **ADOPTED**.

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

\_\_\_\_\_  
**Senate As Amended**

Bill "An Act To Clarify the Status and Benefits of Employees of the Child Development Services System"

S.P. 268 L.D. 693  
(C "A" S-189)

\_\_\_\_\_  
Senator SULLIVAN for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify the Taxability of Promotional Credits in the State Gaming Laws"  
S.P. 346 L.D. 924

Bill "An Act To Require the State To Provide Bonita Rogan with Health Insurance Benefits"

S.P. 284 L.D. 737  
(C "A" S-190)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-205)**.

Bill "An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs"

S.P. 305 L.D. 791  
(C "A" S-193)

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

**READ ONCE**.

Committee Amendment "A" (S-205) **READ** and **ADOPTED**.

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

Bill "An Act To Make Permanent the Allowance of Certain Commercial Vehicles between the Calais Border Crossing and Baileyville"

S.P. 490 L.D. 1355  
(C "A" S-192)

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Topsham (EMERGENCY)

S.P. 509 L.D. 1390  
(C "A" S-188)

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Senator GOODALL for the Committee on **NATURAL RESOURCES** on Bill "An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program"  
S.P. 502 L.D. 1386

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

Sent down for concurrence.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-204)**.

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

**READ ONCE**.

Committee Amendment "A" (S-204) **READ** and **ADOPTED**.

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

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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.

\_\_\_\_\_  
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

**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws"

H.P. 584 L.D. 849

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-241)** (8 members)

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

Tabled - May 26, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **JACKSON** of Aroostook to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE** (Roll Call Ordered)

(In House, May 13, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.)

(In Senate, May 20, 2009, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 21, 2009, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#95)**

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

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

ABSENT: Senator: SULLIVAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **JACKSON** of Aroostook to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE, PREVAILED**.

(See action later today.)

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

H.P. 326 L.D. 438

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

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

Tabled - May 26, 2009, by Senator **NUTTING** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 21, 2009, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 26, 2009, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#96)**

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HOBBS, MARRACHE, MCCORMICK, MILLS, NUTTING, PLOWMAN, ROSEN, SIMPSON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAMON, HASTINGS, JACKSON, NASS, PERRY, RAYE, RECTOR, SCHNEIDER, SHERMAN, SMITH, TRAHAN, WESTON

ABSENT: Senator: SULLIVAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions from Income Tax" H.P. 161 L.D. 196

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-332)** (4 members)

Tabled - May 26, 2009, by Senator **BLISS** of Cumberland

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

(In House, May 21, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 26, 2009, Reports **READ**.)

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just wanted to talk for a moment on this issue, An Act to Exempt Military Pensions from Income Tax. It's an issue that's been around for a while. It was even brought up a few years ago in the Governor's State of the State address. It was part of the budget, but we couldn't fund it then, and that's when times were relatively good compared to the budget now. It's got a \$20 million biennial fiscal note, over a million dollars out of your local government fund. It's a desirable outcome. We want to attract retired military people to the state of Maine. They bring with them federal pensions, federal healthcare, and many of them are at an age where they can have a second career here in the state of Maine. The goal is right on the money, but it's just not anything that we can afford to do right now. It may be an issue we can take up later when the economy turns, but for now I will be supporting the Ought Not to Pass motion and I think we should all do the same. Thank you.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I agree with the Senate Chair of Taxation that it's going to be difficult to fund this now, but I think it's worth just a short discussion to remind ourselves that we go through cycles around here, and we never seem to have enough money to accomplish anything. Over time nothing changes. We are presented with these opportunities where we identify, in this case, a population of military retirees that have a good pension, don't need healthcare, and are young and trained to do things. We ought to be, through our tax policy, in my opinion, encouraging those people to live here. We just happen to be closing down a major military facility now. I have a feeling that a bunch of those people would like to stay here, or serve a couple more years and then come back. We are doing nothing in this state to encourage that to happen. They've really got to love this place to come back here in the face of other states that offer no income tax on their pension, which is substantial. This is an opportunity for us to improve our economy through our tax policy. We consistently refuse to do that, so it shouldn't be a surprise when, like now, our income goes down and we're struggling to pay for our services, or even in good times. I've been here when we've had surpluses of \$300 million and we still seem to struggle. We can't ever afford to do these things which will help us the most, and today we're about to do it again. We know that there's a benefit to this. We know we should be doing it, and we probably are not going to. Thank you.

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

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

Senator **SCHNEIDER**: Thank you, Madame President. Men and women of the Senate, I didn't expect to speak on this bill, but it seems like every session there are bills that come before us where we know clearly we don't have the funding for them, and yet the question then is, do we do it in a symbolic gesture, in that we would support such legislation if we were to have the money? That's the dilemma that I personally face on this piece of legislation because I believe that there is a potential for some real income for the State if we were to pass this. However, I know clearly we don't have the money, especially given the fact that we're going to be faced with another hole down the road in finding another \$30 million. I just wanted to share those thoughts for the record. I support the concept, but I think in this case it makes sense to support the Ought Not to Pass Report, even though I would very much like to give my support for this legislation. It is just because of the financial predicament we find ourselves in. Thank you very much.

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

Senator **DIAMOND**: Thank you, Madame President. Men and women of the Senate, as the good Senator from York pointed out, this is a good reminder. It's also a benefit we need to consider, and it's certainly worth doing. I suspect we all have hit the reality wall and we know that \$20 million over the next two years is something that, as much as we want to do it and want to vote for it, we know we can't afford it. We're going to be talking about a budget in this chamber, probably tomorrow, that is going to show some severe cuts in areas that no one really wants to make. I do not want to be voting against this but certainly will be. I understand those who will be following the good Chair's motion. Why are we doing it? We are doing it because we really have no other choice. We cannot afford \$20 million and we have to face that reality. Thank you very much.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#97)**

**YEAS:** Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DIAMOND, JACKSON, MARRACHE, NUTTING, PERRY, PLOWMAN, SCHNEIDER, THE PRESIDENT - ELIZABETH H. MITCHELL

**NAYS:** Senators: COURTNEY, DAMON, DAVIS, GERZOFSKY, GOODALL, GOOLEY, HASTINGS, HOBBS, MCCORMICK, MILLS, NASS, RAYE, RECTOR, ROSEN, SHERMAN, SIMPSON, SMITH, TRAHAN, WESTON

**ABSENT:** Senator: SULLIVAN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BLISS** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE.**

Committee Amendment "A" (H-332) **READ** and **ADOPTED**.

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

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Create a Large Game Shooting Area in Piscataquis County"  
H.P. 252 L.D. 316

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-236)** (7 members)

Minority - **Ought Not To Pass** (6 members)

Tabled - May 26, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Requested)

(In House, May 21, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)**.)

(In Senate, May 26, 2009, Reports **READ**.)

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

**THE PRESIDENT**: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING**: Thank you, Madame President. Ladies and gentlemen of the Senate, we in our Committee struggled quite a bit with this issue. We do have a limited number of large game shooting areas in this state. Originally there was one in this county but that is no longer in business. There was a young couple who came forward that wanted to start one up in this county. Some of us struggled with what would happen if there were more than that one couple who wanted to start one of these businesses in Piscataquis County? How does the Department choose who should and who shouldn't? Maybe there's a way

they could work that out, but this is a very difficult bill. For those reasons, I will vote it Ought Not to Pass. Thank you.

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

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, I do have to apologize to some degree because I have changed my mind on this bill. Seven or eight years ago, when we dealt with this issue before, we had put some guidelines in place that had restrictions on any more activity around this issue. I have given this further thought and think that allowing one for Piscataquis County is a reasonable gesture. I think it will create some economic activity in that area without moving the large game shooting areas in the wrong direction. I will be supporting Ought to Pass and opposing the pending motion.

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

Senator **SMITH:** Thank you, Madame President. Just a couple of words. I too will support this, of course. It does not make a large change in public policy. There are 11 of these that are now permitted by law. Several of them are inactive at the moment. It is one of those that would be transferred, by application, to the Department of Agriculture, meeting their regulatory requirements. I think this makes sense. These are good tools for a very rural area that is almost entirely forested, like Piscataquis County, and I would ask for your support. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I welcome aboard the good Senator from Oxford. It seems he can look at all the data and occasionally change his mind.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#98)**

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DAVIS, DIAMOND, GERZOFKY, GOODALL, MARRACHE, MILLS, NUTTING, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BRYANT, COURTNEY, DAMON, GOOLEY, HASTINGS, HOBBS, JACKSON, MCCORMICK, NASS, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, TRAHAN, WESTON

ABSENT: Senator: SULLIVAN

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-236) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Recouple Maine Estate Tax with the Federal Estate Tax"

H.P. 163 L.D. 198

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-333)** (6 members)

Tabled - May 26, 2009, by Senator **BLISS** of Cumberland

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

(In House, May 21, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 26, 2009, Reports **READ**.)

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

Senator **PERRY:** Thank you, Madame President. Madame President, ladies and gentlemen of the Senate, I rise to fill you in briefly on this bill, the estate tax conformity bill. You know there are a number of ways that bills die around here. Generally in Committee, when a bill just can't be funded, that is the preferred method. Some bills we like to send up to the House and Senate so we can debate the issue and try to bring it to a larger audience. I suspect this is one of them. The estate tax is a problem, and will be until they settle it on the federal level. They've been all over the board for the last ten years on the federal level and they need to settle on some reasonable amount federally, and then I think we can have a legitimate conversation on conforming. Right now this has a \$17 million fiscal note. We can take care of it here or on the last night, when we run the

table. There's no money. We will be sending up a tax reform package that has the priorities of the Tax Committee on what we can do for tax policy. I suppose there is an opportunity to amend that if there are other priorities out there and a way we could pay for something like this. Right now as it stands, \$17 million with no method to pay for it, and no corresponding cuts, we might as well kill this bill right here today rather than when we run the table. Thank you.

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

**Senator NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, it is strange we're doing both military retirees and the estate tax in one day, but the message is the same. I do appreciate, having been through this several times, the folks in this room at least listening to this debate because it is largely about our future. I can remember the first time we had a discussion up here about this. I think the fiscal note at that point was \$74 million, so maybe there's some improvement because we're only talking about \$17 million now. It is true that the federal government basically is going to probably make some big changes here. We don't know when that's going to be, but for us in Maine the problem is still the same. It's not so much about the estate tax now; it's about the other taxes that some people would pay if they chose to stay in Maine to escape the estate tax problem that we have created for ourselves by not conforming. We have some very illustrious folks, the names that I just have to mention every time I stand up about this, that even they would want to believe they could be here paying income taxes and they aren't. Senator Mitchell, not you, Madame President, but the other one, doesn't pay taxes anymore. Senator Cohen. Governor Curtis, who some folks consider the originator of the income tax, has chosen to be elsewhere. The dilemma is, as CPAs tell us, what you'd have to know about the Maine tax situation is whatever you do, don't die in Maine. That is the estate tax problem but this is not largely about the estate tax, it's what those folks who follow that advice and what happens to the rest of the taxes they pay. They don't get paid in Maine, that's what it boils down to. So if we were concerned about our future, Madame President, we would want to do something about this. As in the prior discussion, planning for the future is never easy. It always involves some sacrifice. If we were to listen to the prior debate, we would believe there is no place we could make that sacrifice in order to make our future brighter, and do things like this. We all know that isn't true. In the next bill, the budget that we're going to be talking about in a few days, there are plenty of places to go that we could make that sacrifice. That's outside of this debate. To assume that there isn't a place to go in a \$5.8 billion budget where we could do something about our future, whether it's military retirees or the estate tax, I think is foolhardy. We just don't have the political will to do it, but we have the capacity to do it. I think most of us know that.

On motion by same Senator, 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 York, Senator Bowman.

**Senator BOWMAN:** Thank you, Madame President. I could support my colleague from York County, the great county, if I had

access to an analysis that showed that if we did pass this bill, that it would provide positive revenues to the State. So I guess I would like to ask that question. Does anybody know of that analysis?

**THE PRESIDENT:** The Senator from York, Senator Bowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Perry.

**Senator PERRY:** Thank you, Madame President. The Maine Bankers' Association hired an economist, Chuck Lawton, to do a study. They were pushing this bill a couple of years ago. In looking at the study they brought back, the results were ambiguous at best. Certainly they weren't clear, from what I saw in the report or the presentation. You hear a lot of anecdotal evidence from bankers and other people who do estates, trust officers, but usually the anecdotal evidence they give us compares Maine to states that have repealed it completely, Florida, for example, where very large estates are exempt. These gap estates between what the taxable level is here in the state of Maine and what it currently is on the federal level aren't the stories you hear about when you hear anecdotal evidence. When the feds settle in on a level that looks like it's going to be stable for a while, we really should consider this. Right now it's just unclear where they're going to be or where this will take us in the future. If we sit back and let the feds settle on a reasonable amount, I think we should have a serious stab at this in the coming year or two. Thank you.

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

**Senator BARTLETT:** Thank you, Madame President. I rise in support of the pending motion and to raise what I think is an important irony in this debate being held today, on the eve of our budget discussion and the debate that will happen tomorrow. We are going to be asked to support a budget that has cuts to health and human services, cuts to education of our kids, and cuts to State employees. Yet today we're debating a tax cut for the wealthiest among us. I simply cannot support that as we look forward to the extraordinary cuts we're going to be asked to make tomorrow.

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

**Senator NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, the study that was done in the last session was interesting and it was largely anecdotal. When you think about trying to figure out why people are motivated to do certain things, and whether you're a good economist or not, you still get stuck. You know why? Because somebody decided to move to Florida and there are probably a number of reasons why they decided. It isn't just one. If there are economic reasons, that's probably part of the answer. This study was done, it was done by a reputable person, but it didn't really resolve the problem. Is it possible to do any kind of study that really determines what the results are going to be? It is not ever probably going to be possible. What I'm working from is conversations with a lot of people who are advisors to people who can afford and need financial advice. The question in the end



always is; do they follow the advice they were given, even though they are paying for the advice, or are there other factors? The answer, of course, is always yes. There are a number of factors that motivate people as to where they live. If we can change this at some point, what will the results be? They will probably be mixed too, but the people who give advice to people who have problems with money, in that they have too much of it, tell us that they are well advised, as I said before, not to die in Maine. I think that's enough of a motivating factor. Thank you, Madame President.

Senator **MILLS** of Somerset

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On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Wednesday, May 27, 2009, at 10:00 in the morning.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#99)**

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

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

ABSENT: Senator: SULLIVAN

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BLISS** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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With reference to the action of the Senate whereby it **INSISTED** and **JOINED** in a **COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws"

H.P. 584 L.D. 849

The Chair appointed as conferees on the part of the Senate the following:

Senator **JACKSON** of Aroostook  
Senator **DAMON** of Hancock