

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

Second Regular Session
January 6, 2010 to April 12, 2010

Pages 1209 - 1846

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

In Senate Chamber
Thursday
January 14, 2010

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

Prayer by Reverend Dr. Douglas Nielsen, First Congregational
Church, UCC of Saco.

REVEREND NIELSEN: Thank you, President Mitchell. Good morning to all of you and I see that you are well trained to stand up. That's all good. I'll try to keep this very brief, as brief as your agenda for the day. This is my third time being back here. I am pleased to be among you. It is a way of me standing in the place of power, to bring to the place that the power exists, and the context of the larger power that draws us all together. I stand here this morning in painful recognition of the devastation that has captured our awareness from Haiti and touches our hearts. I stand here also this morning as a minister of the United Church of Christ, as a grateful senior minister of the church in Saco, and as a thankful constituent of the Senators Hobbins and Sullivan. I stand here this morning appreciative of the work that you do, knowing that just last Tuesday the Hall of Flags was filled with people trying to tell you what to do, knowing that an hour from now the Hall of Flags will be filled with people reminding you of what they think you should do. I am not insensitive to the important role you play. I appreciate the work, the difficult work, you do. I stand here as a minister coming out of the Christian perspective and post-Christmas. I invite you to cut me a little slack as a Christian minister and share the words of the post-Christmas experience from Howard Thurman. A brief perspective and then a briefer prayer.

Howard Thurman said 'When the song of the angel is stilled, when the star in the sky is gone, when the kings and the princes are home, when the shepherds are back with the flock, the real work begins. To find the lost, to heal the broken, to feed the hungry, to release the prisoner, to rebuild the state, to bring peace, to make music in the heart.'

It is in appreciation of the important and difficult work you do that I invite each of you, in the manner consistent with your own music of the heart, to join my heart in a word of prayer. Oh God, called by many names, I pray on behalf of this gathering that they may experience a few friends who understand them and remain true friends despite differences, that they may experience a sense that the work they do is real and hard and without which this state would be much poorer. I pray that they experience a mind unafraid to travel the rough tough roads, even trails not yet blazed. I pray that they experience an understanding heart, a sense of humor, and a feeling of Your presence. I pray that they act in boldness of action and have the patience to wait for the coming of all these things and the wisdom to recognize them when they come. Amen.

Thank you all for the work you do on behalf of the people of Maine.

Reading of the Journal of Tuesday, January 12, 2010.

Doctor of the day, Dr. Jo Linder, MD of Falmouth.

Out of order and under suspension of the Rules, on motion by Senator **MARRACHÉ** of Kennebec, under unanimous consent on behalf of Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 667

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 19, 2010 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1234

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the House, a bill regarding the sex offender registration and notification laws.

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

READ and PASSED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 555

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE**

January 7, 2010

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

Dear Secretary O'Brien:

Please be advised that pursuant to House Rule 201.1(I)(a), the Speaker has reappointed Representative Michael Celli of Brewer to the Joint Standing Committee on State and Local Government and rescinded the temporary appointment of Representative William P. Browne of Vassalboro.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 557

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

January 12, 2010

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

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Judiciary from the review and evaluation of the Maine Humans Right Commission under the State Government Evaluation Act. In its review, the Committee found that the Maine Human Rights Commission is operating within its statutory authority.

Sincerely,

S/Senator Lawrence S. Bliss
Senate Chair

S/Representative Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 558

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

January 13, 2010

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

Dear President Mitchell and Speaker Pingree,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Tuttle, Jr. of Sanford, to report the following bill Leave to Withdraw:

L.D. 403 An Act To Increase the Minimum Wage

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. 556

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

January 12, 2010

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. 1420 An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates

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. 554

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

January 8, 2010

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

Dear President Mitchell and Speaker Pingree,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Pinkham, Sr. of Lexington Township, to report the following bill Leave to Withdraw:

L.D. 1669 Resolve, To Name the New Bridge over Gilman Stream in New Portland the Joshua Bernard Memorial Bridge

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

SENATE PAPERS

Bill "An Act To Clarify Safety Requirements in Acadia National Park"

S.P. 666 L.D. 1737

Presented by Senator DAMON of Hancock.
Cosponsored by Representative FLEMINGS of Bar Harbor and Representatives: EATON of Sullivan, MAZUREK of Rockland, Speaker PINGREE of North Haven.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator GERZOFSKY of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Availability of Alcohol-free Motor Fuels"
S.P. 478 L.D. 1320

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION.**

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

REFERRED to the Committee on **TRANSPORTATION.**

Sent down for concurrence.

Ought to Pass As Amended

Senator SULLIVAN for the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath
S.P. 621 L.D. 1656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-351).**

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

READ ONCE.

Committee Amendment "A" (S-351) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

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

Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MARRACHÉ** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)
H.P. 1240 L.D. 1743

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum"

H.P. 1236 L.D. 1739

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish a Duty To Report Serious Injuries"
H.P. 1235 L.D. 1738

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

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

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

PAPERS FROM THE HOUSE

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

The **Department of Agriculture, Food and Rural Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)
H.P. 1241 L.D. 1744

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
State Board of Corrections**

The **State Board of Corrections**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections (EMERGENCY)

H.P. 1237 L.D. 1740

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

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

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1238 L.D. 1741

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1239 L.D. 1742

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

Report **READ** and **REJECTED**.

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

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Charter of the Buckfield Village Corporation"

H.P. 1075 L.D. 1525

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

REFERRED to the Committee on **UTILITIES AND ENERGY**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Implement the Recommendations of the Initiative To Streamline State Government and To Make Other Necessary Changes to Law

H.P. 1177 L.D. 1668
(C "A" H-585)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

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

Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **SCHNEIDER** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, January 19, 2010, at 10:00 in the morning, in memory of and lasting tribute to Martin Luther King, Jr.