

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

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

In Senate Chamber
Thursday
January 28, 2010

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

Prayer by Senator Elizabeth M. Schneider of Penobscot County.

SENATOR SCHNEIDER: Good morning. It is wonderful to see people from the Baxter School here today. I've always appreciated sign language. One of my favorite Christmas carols is the one with the running of the deer. It is really a pleasure to have them here signing today for the prayer this morning. It's also really wonderful to see some of the Governor's staff here: Jane Lincoln, the Chief of Staff, Jim Nimon, and our new Legislative Liaison, George Gervais from the DECD, along with the Deputy Commissioner, and hopefully very shortly our Commissioner. I really appreciate all of you being here with us today and it's my pleasure to offer the prayer this morning.

Oh God, all people are Your beloved. Across races, nationalities, religions, and sexual orientations and all the ways we are distinctive from one another. We all are manifestations of Your image. We are bound together in an inescapable network of mutuality and tied to a single garment of destiny. You call us into Your unending work of justice, peace, and love. Let us know Your presence among us now. Let us delight in our diversities that offer glimpses of the mosaic of Your beauty. Strengthen us with Your steadfast love and transform our despairing fatigue into hope filled action. Under the shadow of Your wings, in this hour, may we find rest and strength, renewal, and hope. We ask this, inspired by the example of Your disciple Martin Luther King, Jr., and in Jesus' name. Amen.

Reading of the Journal of Tuesday, January 26, 2010.

Doctor of the day, Dr. William Atlee, MD of Augusta.

Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Joint Order:
S.P. 673

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 2, 2010 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 593

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

January 21, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Thaxter R. Trafton of Augusta, for appointment as the Commissioner of the Department of Economic and Community Development.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Schneider of Penobscot, Rector of Knox
	Representatives	8	Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, Martin of Orono, Prescott of Topsham, Wright of Berwick
NAYS		0	
ABSENT		3	Rep. Smith of Monmouth, Rep. MacDonald of Boothbay, Sen. Sullivan of York

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thaxter R. Trafton of Augusta, for appointment as the Commissioner of the Department of Economic and Community Development be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#259)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thaxter R. Trafton** of Augusta for appointment as the Commissioner of the Department of Economic and Community Development was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Thaxter R. Trafton, who is accompanied by his wife, Linda, and Deputy Commissioner Brian Hodges. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

The Following Communication: S.C. 594

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

January 21, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Sandra T. Updegraph of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Schneider of Penobscot, Rector of Knox
	Representatives	8	Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, Martin of Orono, Prescott of Topsham, Wright of Berwick
NAYS		0	
ABSENT		3	Rep. Smith of Monmouth, Rep. MacDonald of Boothbay, Sen. Sullivan of York

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sandra T. Updegraph of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#260)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sandra T. Updegraph** of Brunswick for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

The Following Communication: S.C. 595

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

January 21, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Charles J. Spies of Topsham, for reappointment to the Midcoast Regional Redevelopment Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Schneider of Penobscot, Rector of Knox
	Representatives	7	Austin of Gray, Cohen of Portland, Giles of Belfast, Hunt of Buxton, Martin of Orono, Prescott of Topsham, Wright of Berwick
NAYS		0	
ABSENT		4	Rep. Smith of Monmouth, Rep. Cleary of Houlton, Rep. MacDonald of Boothbay, Sen. Sullivan of York

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles J. Spies of Topsham, for reappointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#261)

YEAS: Senators: None

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

Representatives 8 Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, Martin of Orono, Prescott of Topsham, Wright of Berwick

NAYS 0

ABSENT 3 Rep. Smith of Monmouth, Rep. MacDonald of Boothbay, Sen. Sullivan of York

ABSENT: Senator: BRYANT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles J. Spies** of Topsham for reappointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rita Armstrong of Freeport, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 596

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

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

January 21, 2010

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

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Dear Madame President:

ROLL CALL (#262)

YEAS: Senators: None

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Rita Armstrong of Freeport, for appointment to the Midcoast Regional Redevelopment Authority.

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

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Schneider of Penobscot, Rector of Knox

ABSENT: Senator: BRYANT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rita Armstrong** of Freeport for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

The Following Communication: S.C. 597

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

January 21, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Steven L. Weems of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Schneider of Penobscot, Rector of Knox
	Representatives	8	Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, Martin of Orono, Prescott of Topsham, Wright of Berwick
NAYS		0	
ABSENT		3	Rep. Smith of Monmouth, Rep. MacDonald of Boothbay, Sen. Sullivan of York

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Steven L. Weems of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#263)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Steven L. Weems** of Brunswick for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

The Following Communication: S.C. 598

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

January 21, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Sally W. DelGreco of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Schneider of Penobscot, Rector of Knox
	Representatives	8	Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, Martin of Orono, Prescott of Topsham, Wright of Berwick
NAYS		0	
ABSENT		3	Rep. Smith of Monmouth, Rep. MacDonald of Boothbay, Sen. Sullivan of York

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sally W. DelGreco of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,
S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#264)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sally W. DelGreco** of Brunswick for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

The Following Communication: S.C. 588

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

January 20, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Kristen Lavallo of Lisbon, for appointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Schneider of Penobscot
	Representatives	6	Sutherland of Chapman, Finch of Fairfield, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram

NAYS 0

ABSENT		6	Sen. Alfond of Cumberland, Rep. Casavant of Biddeford, Rep. McFadden of Dennysville, Rep. Richardson of Carmel, Rep. Wagner of Lewiston, Sen. Weston of Waldo
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Seven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kristen Lavallo of Lisbon, for appointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#265)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, GERZOFKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kristen Lavallo** of Lisbon for appointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Kristen Lavallo accompanied by her mother, Nancy Lavallo, and her grandparents, Bert and Janine St. Hillaire. Would they please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 589

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

January 20, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Ryan Banger of Woolwich, for appointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Schneider of Penobscot
 Representatives 6 Sutherland of Chapman,
 Finch of Fairfield, Johnson of
 Greenville, Lovejoy of
 Portland, Nelson of
 Falmouth, Rankin of Hiram

NAYS 0

ABSENT 6 Sen. Alfond of Cumberland,
 Rep. Casavant of Biddeford,
 Rep. McFadden of
 Dennysville, Rep. Richardson
 of Carmel, Rep. Wagner of
 Lewiston, Sen. Weston of
 Waldo

ABSENT: Senators: BRYANT, GERZOFSKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ryan Banger** of Woolwich for appointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Ryan Banger, who is accompanied by his mother, Ann Banger. Would they please rise and accept the greetings of the Maine Senate.

Seven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ryan Banger of Woolwich, for appointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,

S/Justin L. Alfond
 Senate Chair

S/Patricia B. Sutherland
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#266)

YEAS: Senators: None

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

The Following Communication: S.C. 590

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

January 20, 2010

The Honorable Elizabeth H. Mitchell
 President of the Senate of Maine
 124th Maine Legislature
 State House
 Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Frances Jacques of Berwick, for appointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Schneider of Penobscot
 Representatives 7 Sutherland of Chapman,
 Finch of Fairfield, Johnson of
 Greenville, Lovejoy of
 Portland, McFadden of
 Dennysville, Nelson of
 Falmouth, Rankin of Hiram

NAYS 0

ABSENT 5 Sen. Alfond of Cumberland,
Rep. Casavant of Biddeford,
Rep. Richardson of Carmel,
Rep. Wagner of Lewiston,
Sen. Weston of Waldo

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Frances Jacques of Berwick, for appointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,
S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#267)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, GERZOFKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Frances Jacques** of Berwick for appointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

The Following Communication: S.C. 592

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

January 25, 2010

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State 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 Sen. Jackson of Aroostook, to report the following bill Leave to Withdraw:

L.D. 1681 An Act To Implement a Maine Unemployment Insurance Work-sharing Program

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. 599

**MAINE STATE PLANNING OFFICE
EXECUTIVE DEPARTMENT**

January 26, 2010

President Elizabeth Mitchell, Vice Chair
Speaker Hannah Pingree, Chair
Members, Legislature Council of the 124th Legislature
Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree,

The State Planning Office is pleased to provide executive summaries of its report, titled 2010 Report on Poverty, in response to Resolve 1997, Chapter 36 to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty. The full report is available for download at: <http://www.maine.gov/spo/economics>.

We are most willing to present the report to you and happy to answer any questions that you may have.

Sincerely,

S/Martha E. Freeman
Director

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

The Following Communication: S.C. 600

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

January 26, 2010

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State 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. Martin of Orono, to report the following bill Leave to Withdraw:

L.D. 1712 An Act To Exempt Certain Mobile Homes from
the Radon Testing Requirement

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. 601

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

January 26, 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 04330

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 Transportation from the review and evaluation of the Maine Pilotage Commission under the State Government Evaluation Act. In its review, the committee found that the Maine Pilotage Commission is operating within its statutory authority.

Sincerely,

S/Senator Dennis S. Damon
Chair

S/Representative Edward J. Mazurek
Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TRANSPORTATION** on Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge (EMERGENCY)

H.P. 1133 L.D. 1606

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"

H.P. 484 L.D. 701

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-588).**

Signed:

Representatives:

- PERRY of Calais
- PETERSON of Rumford
- JONES of Mount Vernon
- SANBORN of Gorham
- JOY of Crystal
- CAMPBELL of Newfield
- LEWIN of Eliot
- STRANG BURGESS of Cumberland
- STUCKEY of Portland
- EVES of North Berwick

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

Signed:

Senators:

- BRANNIGAN of Cumberland
- MARRACHÉ of Kennebec
- MILLS of Somerset

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

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 "B" (H-588).**

Reports **READ.**

On motion by Senator **BRANNIGAN** of Cumberland, the Minority **OUGHT NOT TO PASS Report ACCEPTED, in NON-CONCURRENCE.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject

H.P. 946 L.D. 1345

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

Signed:

Senators:

- PLOWMAN of Penobscot
- GOODALL of Sagadahoc

Representatives:

- BEAULIEU of Auburn
- PINKHAM of Lexington Township
- FITTS of Pittsfield
- VALENTINO of Saco
- RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-589).**

Signed:

Senator:

- SULLIVAN of York

Representatives:

- CORNELL du HOUX of Brunswick
- TRINWARD of Waterville
- TUTTLE of Sanford
- CAREY of Lewiston

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

Reports **READ.**

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS Report, in 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 **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS Report, in concurrence. (Roll Call Requested)**

Senate

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

S.P. 505 L.D. 1389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-353).**

Signed:

Senators:

- SCHNEIDER of Penobscot
- SULLIVAN of York
- RECTOR of Knox

Representatives:

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

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

Signed:

Representatives:

AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-353) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation"

S.P. 460 L.D. 1279

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" (S-354).**

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities"

S.P. 481 L.D. 1335

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

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-355).**

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls

Reports **READ.**

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

SECOND READERS

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

House As Amended

Bill "An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008" (EMERGENCY)

H.P. 1070 L.D. 1521
(C "A" H-586)

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

Senate As Amended

Bill "An Act Regarding Mobile Service Bars at Municipal Golf Courses"

S.P. 603 L.D. 1596
(C "A" S-352)

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

On motion by Senator **COURTNEY** of York, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

Same Senator requested a Roll Call.

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

ENACTORS

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

Emergency Measure

An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts

H.P. 1055 L.D. 1506

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

Emergency Measure

An Act To Adjust the Milk Handling Fee
H.P. 1247 L.D. 1753

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

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine" (EMERGENCY)

H.P. 1252 L.D. 1758

Reported that the same **Ought to Pass**, pursuant to Public Law 2009, chapter 213, Part TTT, section 9.

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.

Under suspension of the Rules, **READ A SECOND TIME**.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I stand to comment on the report that is being presented to you. I specifically object to the name of the bill, 'An Act to Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine'. I sat on that task force. I spent many, many hours sitting on that task force with 20 plus other people in the room. After hours and hours of sitting and hours and hours of learning and reviewing, I would like to share with you the frustration of myself and many of the other members of the committee as to how this ended up. The staff time that we used to come up with reports was incredible amount of staff time. The report was a 19-1 recommendation. Not only do I feel disenfranchised as a member of the committee but so do the people who would benefit from this program. Many dairy farmers have talked about the frustration that they felt at being invited into the process, thinking that they had come to some agreement, and finding that all was undone in the halls and in private offices and then in the committee across the way. I will not hold this up because it was a unanimous committee report, but the level of arm-twisting and the level of persuasion and sometimes oppression was voiced to me by many citizens who have a complaint. They have a complaint that they

are just as invested in this process and just as invested in the outcome of this process as the chair of the committee and the sponsor of the bill, who, by the way, benefits from this process and the monies that goes forward. I was furious about this. I've been furious about the end-run. The result will be some sustainability but the process has disillusioned many, many of the dairy farmers who spent the time that they could have been milking cows and doing something productive sitting in that committee, following this, and coming to those hearings only to find that it didn't matter. Sometimes you can affect the process. Sometimes you can get absolutely what you want, but the cost is dear and the cost is that the reputation of this institution in the peoples' mind was tarnished. You can't undo that. It will be talked about in barns and at kitchen tables and at coffee places for a very long time, about how these people were treated. I'm used to it. They are not. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. I just want to speak briefly about the process of this bill and to first commend the task force for their extraordinary work during the off-season to work hard and bring people together to share ideas and to push forward a recommendation to be brought back to the legislature. I also want to commend the work of the Agriculture Committee who continued to work to iron out differences and to build unanimous support behind this bill. When we first saw the recommendation that came back from the task force there was a divided report and there was still a lot of contention. The work that has been done in the Agriculture Committee, as well as many others, to try to come together and iron out those differences to reach a unanimous agreement here is really extraordinary. I just want to commend them on the record. Thank you.

PASSED TO BE ENGROSSED, in concurrence.

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

Off Record Remarks

Senator **RECTOR** of Knox 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.

Senator **ROSEN** of Hancock was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 2, 2010, at 10:00 in the morning.