

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
Tuesday
February 2, 2010

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

Prayer by Reverend Michael N. Ambler, Jr., Grace Episcopal
Church of Bath.

REVEREND AMBLER: Good morning. Let us pray. Holy and
life giving Lord, we thank You for bringing us to this bright and
shiny new day. Today will be full of opportunities and challenges.
We ask You to give us eyes to see the ways we can do good and
we ask You to give us courage to face the risk that we could fail.
Bless, we pray, those who gather in this chamber to make laws
that will govern their fellow citizens. Give them wisdom to know
that government serves You when it serves those least able to
care for themselves. Open their hearts to understand that in Your
sight the one who leads best is the one who serves most
generously. We ask Your blessing and guidance also for those
who do not cast votes in this Senate but whose work underlies all
that happens here; pages and Sergeant-At-Arms, legislative staff
and lobbyists, witnesses and spectators. Grant that when this
day ends all who have been here may go home proud of the work
they have done for the people of Maine and for Your honor and
glory. Amen.

Pledge of Allegiance led by Senator Elizabeth M. Schneider of
Penobscot County.

Reading of the Journal of Thursday, January 28, 2010.

Doctor of the day, Dr. Janis Petzel, MD of Hallowell.

Off Record Remarks

The Chair noted the absence of the Senator from Hancock,
Senator **DAMON**, the Senator from Cumberland, Senator
GERZOFSKY and further excused the same Senators from
today's Roll Call votes.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Create Fair Education Funding for Regional
School Units"

H.P. 1251 L.D. 1757

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.

Resolve, Naming the Bridge over Pattagumpus Stream the
Nicatou Bridge (EMERGENCY)

H.P. 1248 L.D. 1754

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the
Committee on **TRANSPORTATION** and ordered printed, in
concurrence.

Bill "An Act To Amend the Charter of the Gardiner Water District"
H.P. 1250 L.D. 1756

Comes from the House, **REFERRED** to the Committee on
UTILITIES AND ENERGY and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 604

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

January 26, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1139 An Act To Require Internet Service Providers To Retain Records

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Anne M. Haskell
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 605

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

January 26, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1739 An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum

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

Sincerely,

S/Sen. Justin L. Alfond
Senate Chair

S/Rep. Patricia B. Sutherland
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 606

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

January 28, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1289 An Act To Enact the Uniform Debt Management Services Act

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

Sincerely,

S/Sen. Lawrence S. Bliss
Senate Chair

S/Rep. Charles R. Priest
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 607

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

January 27, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 932 An Act To Establish Area Management of
Maine's Scallop Fishery

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: S.C. 608

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

January 28, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1534 An Act To Ensure That Substantial State
Contracts Receive Adequate Legal Review

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

Sincerely,

S/Sen. Deborah L. Simpson
Senate Chair

S/Rep. Stephen R. Beaudette
House Chair

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

The Following Communication: S.C. 609

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

January 25, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1655 An Act To Preserve the "We Support Our
Troops" Registration Plate (EMERGENCY)

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

The Following Communication: S.C. 603

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

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. Thibodeau of Winterport, to report the following bill Leave to Withdraw:

L.D. 1621 An Act to Increase Consumer Choice
Regarding Service Contracts

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure"
S.P. 675 L.D. 1761

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Senator: BARTLETT of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

Sent down for concurrence.

Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol

S.P. 674 L.D. 1760

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative STRANG BURGESS of Cumberland and Senators: GERZOFKY of Cumberland, GOODALL of Sagadahoc.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Incentives for Energy Conservation through Voltage Regulation"

S.P. 676 L.D. 1762

Presented by Senator SIMPSON of Androscoggin.
Cosponsored by Representative BERRY of Bowdoinham and Representatives: FITTS of Pittsfield, VAN WIE of New Gloucester.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Leonard Tyler, of Castine, on the occasion of his retirement after more than 40 years with Maine Maritime Academy. Mr. Tyler was hired by the Maine Maritime Academy in 1969 as a physical education instructor and assistant football coach and head basketball coach. He held many other positions at Maine Maritime Academy before becoming its president in 1995. During his tenure, Mr. Tyler managed the most successful fund-raising effort in the college's history. Over the years he increased the amount of federal and private funds available for student financial aid. He developed a highly effective student recruitment program and the college's first development, alumni affairs and public relations offices. He has chaired the Maine Higher Education Council, serves on the Board of Directors of the American Bureau of Shipping and was the Chair of the International Association of Maritime Universities. Mr. Tyler has served Maine Maritime Academy, the State and the Nation with the utmost professionalism and unmatched character. We extend our appreciation to Mr. Tyler for his dedicated service to the citizens of Maine and wish him well in his retirement;
SLS 327

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Senators: ALFOND of Cumberland, SCHNEIDER of Penobscot, WESTON of Waldo,
Representatives: CASAVANT of Biddeford, FINCH of Fairfield, FITTS of Pittsfield, JOHNSON of Greenville, LOVEJOY of Portland, McFADDEN of Dennysville, NELSON of Falmouth, RANKIN of Hiram, RICHARDSON of Carmel, SCHATZ of Blue Hill, SUTHERLAND of Chapman, WAGNER of Lewiston.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President. Men and women of the Senate, thank you very much for just taking a moment this morning to help me recognize the accomplishments of Leonard Tyler. As you heard from the reading of the legislative sentiment, Len has enjoyed a 40 year career at Maine Maritime Academy and the lasts several years serving as its President.

Over that time, of course, the institution has grown and changed and has enhanced the offerings for its students and continues to maintain the highest level of quality for the men and women who graduate from the Academy. I know from first hand experience that many of you have alumni from Maine Maritime Academy who hold and conduct some of the most important work in your districts in a variety of different industries. The same holds true around this country and around the world. Len has advanced his career coming up through the ranks in the Academy. Some of the previous gentlemen that have served as President have come to the Academy after having completed distinguished careers in other areas. I think the terrific acknowledgement of Len's service is that over these many years he has the support of the staff, faculty, students, and community. I'm very happy to recognize this new adventure that he's about to embark on and give our very best wishes from the entire Senate to Len and his wife, Bonnie, and thank them for all of the contributions that they have made to the community of Castine, the Hancock County region, to the state of Maine, and to higher education throughout Maine and in the Northeast. Thank you, Madame President.

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

Senator **SCHNEIDER:** Thank you very much, Madame President. Men and women of the Senate, I rise to concur with my good colleague, the Senator from Hancock, Senator Rosen, on all of his positive words about Len Tyler. I just wish to extend my thanks for the privilege of having the opportunity to work with Len Tyler, having been on the Education and Cultural Affairs Committee in two of my sessions serving under the dome. He has been of the highest quality of leadership while serving as President and I only wish he could serve another 40 years. Thank you very much for listening and to Len for his incredible work for the state of Maine.

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

Senator **ALFOND:** Thank you, Madame President. Men and women of the Senate, I also rise to honor President Tyler. Just over the past year I have been able to watch President Tyler here and he's just a consistent professional. He was drawn to the Maine Maritime Academy over 41 years ago. You can really tell of his great interest in the students, faculty, and staff at Maine Maritime every time he comes in front of our committee. That just exudes from his statements and the pride he has in Maine Maritime and the whole region. Maine Maritime, over his 41 years being there, has grown by leaps and bounds in terms of academic achievements, student placement, and its world-class campus. I think the whole Education Committee, and I'm sure all of us here today, want to thank him for his many years of service to our state and students at Maine Maritime Academy. I wish him, and I hope we all can wish him, best wishes as he embarks in his new career, retirement.

PASSED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber President of Maine Maritime Academy, Leonard

Tyler of Castine. Accompanying President Tyler is his granddaughter, Katie Leighton of Bowdoinham. Katie is a junior at Westbrook High School. The Chair would like to personally thank President Tyler for 41 years of service not only to Maine Maritime but to all the people of Maine. Would you please stand and accept the greetings of the Maine Senate.

The York County Dental Society, a component society of the Maine Dental Association. The York County Dental Society will open as a dental clinic on February 2, 2010. The clinic will treat patients 2 evenings a month at the Community Dental offices in Biddeford. The participating dentists who practice in York County have worked diligently over the past 2 years to create this free dental clinic in Biddeford. We extend our appreciation to the dentists of York County for their commitment to the people of the State and congratulate them on the opening of the York County Dental Society;

SLS 329

Sponsored by Senator SULLIVAN of York.
 Cosponsored by Senators: BOWMAN of York, COURTNEY of York, DIAMOND of Cumberland, HOBBS of York, NASS of York, Representatives: BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BOLAND of Sanford, CAMPBELL of Newfield, CASAVANT of Biddeford, CHASE of Wells, CONNOR of Kennebunk, EVES of North Berwick, HILL of York, HOGAN of Old Orchard Beach, HUNT of Buxton, LEGG of Kennebunk, LEWIN of Eliot, NASS of Acton, PILON of Saco, RANKIN of Hiram, SANBORN of Gorham, SARTY of Denmark, TUTTLE of Sanford, VALENTINO of Saco, WAGNER of Lyman, WEAVER of York, WHEELER of Kittery, WRIGHT of Berwick.

READ.

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, Biddeford is about to embark on a new chapter in our life. We've had the Biddeford Free Clinic there for quite a while and will now have the Biddeford Dental Clinic. We are excited. As a community we are excited but we are also excited because it is a York County facility. It is important to note that the Maine Dental Association has worked on this so very hard, along with the York County Dental Society, which is a small, for lack of a better word, break out-group but certainly not break away. They have worked together, in the strongest of bonds that can be possible, for the good of Maine people, Maine citizens. If you have read any of the reports on Maine's dental hygiene, oral care, we do not rate well. It is something that really tells about the commitment of a community, of a state, when we care about the whole person. Dental care makes a difference in what happens in your job careers and with our children by actually making sure that they perform well in school. We are excited to have the dental care in Biddeford but we are also excited for the state of Maine. Often times we don't give our professional people enough credit and this is one where professional dentists will be giving up their personal time to be sure that these needs are met by the people of Maine. Thank you very much and I congratulate the Biddeford Free Clinic on their opening.

PASSED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the chamber Dr. Demi Kouzounas, who today received the Dental Hero Award from the Maine Dental Access Coalition, and Dr. Wendy Alpaugh, President of the Maine Dental Access Coalition. Would they please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Review Sales of Dairy Products
H.P. 1249 L.D. 1755

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law, chapter 213, Part TTT, section 9.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Senator **NUTTING** of Androscoggin moved the Bill and accompanying papers be **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **REFER** the Bill and accompanying papers to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Ought to Pass

The Committee on **LABOR** on Bill "An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974"

H.P. 1087 L.D. 1543

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1076 L.D. 1526

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.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1077 L.D. 1527

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 **TAXATION** on Bill "An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price"

H.P. 160 L.D. 195

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-592).**

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**.

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 Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes"

H.P. 539 L.D. 788

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

Signed:

Senator:

PERRY of Penobscot

Representatives:

WATSON of Bath
BRYANT of Windham
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
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-584).**

Signed:

Senators:

BLISS of Cumberland
NASS of York

Representatives:

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**.

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

Senate

Ought to Pass Pursuant to Resolve

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education (EMERGENCY)

S.P. 677 L.D. 1764

Reported that the same **Ought to Pass**, pursuant to Resolve 2009, chapter 98.

Report **READ**.

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

Ought to Pass

Senator **SCHNEIDER** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enhance the Small Enterprise Growth Fund"

S.P. 624 L.D. 1659

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GERZOFKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Update Laws Regulating the Maine Emergency Management Agency"

S.P. 589 L.D. 1531

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code" (EMERGENCY)

S.P. 578 L.D. 1500

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

Report **READ**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**.

Senator PERRY for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 591 L.D. 1533

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 JACKSON for the Committee on **LABOR** on Bill "An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System"

S.P. 602 L.D. 1595

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-356)**.

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

READ ONCE.

Committee Amendment "A" (S-356) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SIMPSON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the Legislative Youth Advisory Council"

S.P. 386 L.D. 1022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-357)**.

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

READ ONCE.

Committee Amendment "A" (S-357) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Educational Requirements for Eligibility for Examination for Licensure as a Certified Public Accountant"

S.P. 604 L.D. 1597

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

Signed:

Senators:

SCHNEIDER of Penobscot
RECTOR of Knox

Representatives:

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

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

Signed:

Senator:

SULLIVAN of York

Reports **READ**.

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

Sent down for concurrence.

After Recess

Senate called to order by the President.

SECOND READERS

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

House

Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge (EMERGENCY)
H.P. 1133 L.D. 1606

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

Senate As Amended

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
(C "A" S-353)

READ A SECOND TIME.

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

ENACTORS

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

Emergency Measure

An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine
H.P. 1252 L.D. 1758

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

Resolve

Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath

S.P. 621 L.D. 1656
(C "A" S-351)

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent
H.P. 1253 L.D. 1759

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

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Department of Transportation To Place Signs at the Interstate Exits in Pittsfield Directing Motorists to Maine Central Institute

H.P. 1254 L.D. 1763

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents"

H.P. 1069 L.D. 1520

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws"

H.P. 1110 L.D. 1572

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District"

H.P. 1099 L.D. 1557

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

H.P. 438 L.D. 624

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-590)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-590)**.

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

READ ONCE.

Committee Amendment "B" (H-590) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities" H.P. 1019 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-593)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-593)**.

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

READ ONCE.

Committee Amendment "B" (H-593) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (1/28/10) Assigned matter:

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

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

Tabled - January 28, 2010, by Senator **BARTLETT** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-352)** (Roll Call Requested)

(In Senate, January 28, 2010, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**. On motion by Senator **COURTNEY** of York, **RECONSIDERED**.)

On motion by Senator **COURTNEY** of York, 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 Perry.

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, this may not be a necessary explanation but this is my bill and I thought I'd just tell you very

briefly what it is. It does not change any policy in any way regarding selling beer on golf courses from mobile carts. We had some surprisingly long debates over that issue years ago and the policy has been set. What this addresses is a couple of municipal golf courses in the state of Maine that lease out their restaurant space. The law says that you need to be an employee of the municipality to man the mobile cart. These municipal golf courses lease out the restaurant, so they are not employees of the city. Every thing is the same except for allowing these two leased, that we know of, restaurants to operate without a municipal employee. That is the extent of this bill.

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

Senator **DAVIS:** Thank you, Madame President. Men and women of the Senate, this bill allows municipal golf courses to serve alcohol on municipal golf courses. My objection may be probably throwing snow against the wind, but here goes. I think I will remind you that city golf courses are funded by tax dollars, local tax dollars. I base this on personal experience. I grew up on a municipal golf course. I caddied. I worked on the greens. I was a special policeman ranger for several years. I don't think alcohol on municipal golf courses is a good idea. I will close by saying that this, municipal golf courses are supported by local tax dollars. I think it is inappropriate and not necessary. Thank you, Madame President.

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

Senator **NUTTING:** Thank you, Madame President. I also will quickly rise to speak in opposition to this. I've always had a concern about drinking and driving. Somebody may be getting alcohol while they are driving their cart and have a family member or a teenager riding with them. I think it's one thing, even though I didn't support it, to have it on private golf courses, but the whole municipal thing to me is a whole other big step that I think is a step in the wrong direction. Thank you.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is bringing back memories of the hours of debate in the other Body when we set this policy in the first place. The simple matter is these golf courses made the best of it in Bangor. It was just a nuisance to deal with. What happened was that this spring and summer, the first half of it was a wash out. The people who lease this restaurant, hard working folks, had a miserable summer. The first beautiful day of good weather happened to coincide with the start of a really big tournament, the biggest golf tournament of the year in the city of Bangor. They stood to make about \$1,000 in profit through this tournament selling from their mobile cart that they had bought a license for to operate. Come to find out this other golf course had called them saying, 'How did you get licensed? We're running into trouble.' They said, 'It was easy, we just did this thing and this other thing.' As they looked into it, trying to help this other golf course, they found out that, in fact, they were not properly licensed and they needed a city employee to do this. They lost that golf tournament. They made an arrangement with the City of

Bangor to put a city employee in the cart. They handled the money. They managed through it but it just was not a good arrangement for anyone. It's simply a streamlining thing. It's not going to change the policy that we made on these municipal golf courses. I think of a municipal auditorium and civic center where the City of Bangor is in the business of running a bar at events. If you want to rent the Civic Center in Bangor, which city owns and runs, you can't job that out. You have to buy it through the City of Bangor. This is nothing new. They lease out the restaurant, where it is also a licensed Class A restaurant with a bar. This simply makes it possible for these folks at these two golf courses, that we know of, to operate without a whole lot of nonsense to comply with the law. That is simply what it is. Thank you.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, February 4, 2010, at 10:00 in the morning.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#268)

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

NAYS: Senators: DAVIS, NASS, NUTTING, SMITH

EXCUSED: Senators: DAMON, GERZOFKY

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S352)**.

Sent down for concurrence.

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

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

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

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate off the Record.