

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 9, 2010

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

Prayer by Deacon Dean Lachance, St. Michael Catholic Parish in
Augusta.

DEACON LACHANCE: Let us pray. Good and gracious Lord,
we gather together from many corners of the great state of Maine
as a privilege to serve and work for the people of Maine. We give
thanks for the beauty and generous bounty that surrounds us.
We ask for Your guidance and protection for all of our service
men and women who serve to protect our freedom to gather, our
freedom to worship, and our freedom to speak freely and our
freedom to seek quality and equity of life for all. We ask that Your
blessing and grace fall upon all who gather in this space. Help
our state leaders to make decisions that are just, fair, as well as
ethically and morally formed. May all have a listening ear and
open heart and creative wisdom to allow Your grace to be present
in making decisions that will positively help businesses, seniors,
youth, homeless, and the many who are in need here in Maine.
Show us the way in Your grace, we ask in Your precious name.
Amen.

Pledge of Allegiance led by Senator Earle L. McCormick of
Kennebec County.

Reading of the Journal of Thursday, February 4, 2010.

Doctor of the day, Dr. David Galbraith, MD of Alfred.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1262

ORDERED, the Senate concurring, that the Joint Select
Committee on Health Care Reform Opportunities and
Implementation is established as follows.

**1. Joint Select Committee on Health Care Reform
Opportunities and Implementation established.** The Joint
Select Committee on Health Care Reform Opportunities and
Implementation, referred to in this order as "the committee," is
established.

2. Membership. Notwithstanding Joint Rule 353, section 5,
the committee consists of 17 members, appointed as follows:

A. Five members of the Senate appointed by the President of the
Senate, including members from each of the 2 parties holding the
largest number of seats in the Legislature and with preference to
members of the Joint Standing Committee on Insurance and
Financial Services, Joint Standing Committee on Health and
Human Services and Joint Standing Committee on Appropriations
and Financial Affairs; and

B. Twelve members of the House of Representatives appointed
by the Speaker of the House, including members from each of the
2 parties holding the largest number of seats in the Legislature
and with preference to members of the Joint Standing Committee
on Insurance and Financial Services, Joint Standing Committee
on Health and Human Services and Joint Standing Committee on
Appropriations and Financial Affairs.

3. Committee chairs. The first-named Senator is the
Senate chair of the committee and the first-named member of the
House is the House chair of the committee.

4. Appointments; convening of committee. All
appointments must be made by May 20, 2010. The appointing
authorities shall notify the Executive Director of the Legislative
Council once all appointments have been made. When the
appointment of all members has been completed, the chairs of
the committee shall call and convene the first meeting of the
committee, which may not be held before May 20, 2010. If by
May 20, 2010 a majority but not all appointments have been
made, the chairs may request authority and the Legislative
Council may grant authority for the committee to meet and
conduct its business.

5. Duties. The committee shall study any federal health
care reform legislation enacted by the United States Congress
and determine the State's opportunities for health care reform and
the State's role in implementation of federal legislation. In
examining these issues, the committee shall consider:

A. The impact of federal legislation on existing state law and
programs that provide access to health care to residents of
this State;

B. The role of the State in the implementation and oversight
of a health insurance exchange;

C. The opportunity for the State to conduct pilot projects,
including, but not limited to, pilot projects related to cost
containment, payment reform, use of health care technology
or health care coverage, with federal funding;

D. The impact of federal legislation on the State's MaineCare program;

E. How federal legislation affects the ability of the State to adopt a system of universal health care through a single-payer plan or other mechanism, including the use of Medicare, MaineCare and other state money to provide funding for universal health care in the State; and

F. Any other issue related to implementation of the federal legislation.

If federal legislation is not enacted, the committee shall consider any other issue related to the State's options for health care reform.

6. Consultation with stakeholders. The committee shall consult with stakeholders including the Governor's Office of Health Policy and Finance; the Department of Health and Human Services; the Department of Professional and Financial Regulation, Bureau of Insurance; health insurance companies; hospitals; health care providers; business and labor representatives; and advocates for health care reform.

7. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

8. Report. No later than November 3, 2010, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the First Regular Session of the 125th Legislature.

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

READ.

On motion by Senator **BOWMAN** of York, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 684

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

January 29, 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 504 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry, was unable to schedule public hearings within the statutory time period for the following nominees:

Diane Doyle of Saco for reappointment to the Land for Maine's Future Board, Richard E. Stevenson, Jr. of Bath for reappointment to the Pesticides Control Board and John M. Joseph, Jr. of Hallowell for reappointment to the Maine Milk Commission.

These appointments were made by the Governor on December 30, 2009.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and **ORDERED PLACED ON FILE.**

Sent down for concurrence.

The Following Communication: S.P. 682

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 4, 2010

Sen. Stan Gerzofsky
Senate Chair, Joint Standing Committee on Criminal Justice and Public Safety
Rep. Anne M. Haskell
House Chair, Joint Standing Committee on Criminal Justice and Public Safety
124th Legislature
Augusta, ME 04333

Dear Senator Gerzofsky and Representative Haskell:

Please be advised that Governor John E. Baldacci has nominated Richard Hanley of Winthrop for appointment to the State Board of Corrections.

Pursuant to Title 34-A M.R.S.A. §1802, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

The Following Communication: S.C. 629

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

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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1509 An Act To Amend the Current Moose Permit System and Preference Point System in Maine

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

Sincerely,

S/Sen. Bruce S. Bryant
Senate Chair

S/Rep. Herbert E. Clark
House Chair

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

The Following Communication: S.C. 626

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

February 2, 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. Schneider of Penobscot, to report the following bill Leave to Withdraw:

L.D. 1653 An Act to Improve Health Insurance Security

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication: S.C. 630

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

February 2, 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 bills out "Ought Not to Pass":

L.D. 1638 An Act To Impose Service Requirements on Railroads That Receive Funds from the Department of Transportation

L.D. 1670 Resolve, To Authorize the Placement of a Sign at Saddleback Mountain

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

The Following Communication: S.C. 631

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

February 3, 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1661 An Act To Create a Position at the Public
Utilities Commission (EMERGENCY)

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Jon Hinck
House Chair

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

The Following Communication: S.C. 632

**THE UNIVERSITY OF MAINE
MARGARET CHASE SMITH POLICY CENTER**

February 3, 2010

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

RE: 2010 Maine State Government Summer Internship Program

Dear Secretary O'Brien:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2009 Maine State Government Summer Internship Report for distribution to the Members of the State Senate.

The Maine State Government Summer Internship Program is a full-time paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students the opportunity to participate in and contribute to Maine State Government. We are now accepting all applications through our website at <http://mcspolicycenter.umaine.edu/?q=MSGSSIP>.

Thank you for your assistance in making this report available to the Members of the Senate.

Yours truly,

S/Charles E. Morris
Research Associate
Director, Maine State Government Summer Internship Program

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

SENATE PAPERS

Bill "An Act To Protect Teacher Retirement Income"
S.P. 683 L.D. 1776

Presented by Senator SIMPSON of Androscoggin.
Cosponsored by Representative SIROIS of Turner and Senator: NUTTING of Androscoggin.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

**Pursuant to Statutes
Joint Standing Committee on Natural Resources**

Senator GOODALL for the **Joint Standing Committee on Natural Resources**, pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6 asked leave to report that the accompanying Bill "An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources"
S.P. 681 L.D. 1775

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expression of Legislative Sentiment recognizing:

The following members of the Windham High School Football Team, the Eagles, on their winning the 2009 Class A State Championship: team members Matt Coffee, T.D. O'Brien, Kyle Deschenes, T.J. Robbins, Jr., Jack Mallis, Damien Sheppard, Dylan Taylor, Matthew Gledhill, Kyle Williams, Nathan Hjelm, Dillon Henry, Christian Coons, Matt Libby, Jacob Conley, Nate Reed, James Fisher, Matt Morse, Matt Wilson, Dylan Nelson, Nick Ramsdell, Eric Hook, Travis Fisher, Tyler Wheatley, Johnny Weymouth, Drew Gagnon, Jackson Taylor, Cody Laberge, Brandon Pesce, Tucker Miller, Dylan Sabasteanski, Matt Dyer, Jevaughn Gibbs, Jeremy Peavey, Cory Schweitzer, Colby Waterhouse, Pat Pearson, Max McDonald, Matt McLean, David Leclaire, John Carlberg, Micah Sawyer, Kevin Springer, Jordan Lindsay, Justin Mirick, Mitchell Scammon, Ian Dixon, Nicholas Burton, Greg Morrison, Kevin Fitzgerald and Jake Darling. The championship team was coached by head coach Matt Perkins and assistant coaches Phil Rossetti, Kevin Millington, Don Ledbetter, Jason McLeod, Robert Burton, Pete Cekutis and Charlton Charles. We congratulate the team on its winning the school's first Class A State Championship, and we send our best wishes for continued success;

SLS 334

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representatives: BRYANT of Windham, PENDLETON of Scarborough, PLUMMER of Windham, ROBINSON of Raymond.

READ.

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

Senator **DIAMOND:** Thank you, Madame President. Men and women of the Senate, today is a special day for the communities of Windham and Raymond. Today, as you see behind us, are the Windham State Class A Football Champions. They are here visiting today to get the recognition from both this Body and the other. We are very proud in the towns of Raymond and Windham of this team. We are proud of what they've done. They've done more, as I found when I talked with them this morning, than just win a football championship. They have brought a lot of pride to our area, maybe in a time more needed than in the past. We really appreciate that. This team, of course, is led by Coach Perkins. The two other coaches here today are Coach Burton and Coach Rossetti, standing over by the door. I'm glad that they could be here. Again, we are very proud. This road to the championship was not easy. They've only been playing Western Class A football for six years. The program has only been going for eleven years. They've had many obstacles. Just getting started was one of the biggest. Of course, this year when they all

had plans of going undefeated, that was going well until a school named Cheverus, where, I might add, is where the Senator from York, Senator Hobbins' son attends. He's a wonderful young man and a great football player. They stopped Windham's progress there for a little bit. Then, of course, Windham had to play Cheverus again in the championship round. Windham won that game when it counted. We are very proud of that. There were a few slogans going back and forth. That made it a good, healthy competition. Again, this team represents more to us than just a group of champions. They have done so much more for us. Included in that was the little extra fact that the best football player in the state, which is noted by the Fitzpatrick Award, was a Windham player, Jack Mallis. That added to all of our pride as well. He is with us today. Madame President, I would ask that you recognize the team and the coaches behind me I would be appreciative and I thank them for being here today.

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

Senator **HOBBINS:** Thank you very much, Madame President. Men and women of the Senate, this is a tough day for someone whose son played for Cheverus High School, but having said that, we did win one game, the first game which I think the total yardage that Windham had was 167 total yards. However, when the game did count, as my son told me to tell you guys, it was an incredible football game. It demonstrated, I think, a real great determination and leadership and sportsmanship that is really, I think, a real tribute to all of you. It was a tough game, 7-6 in a mud bowl. It was a very close game. Deservingly Windham played a good game and won fair and square. I can tell, I am so happy. I was there for your championship game, along with the good Senator from Cumberland, Senator Diamond. I was cheering for you guys and you did a wonderful job and did yourselves proud and the community proud and the state proud. The second issue is Jack Mallis. A fine young man and great football player. As my son said, one of the toughest kids to tackle in all of the games he's ever played. Congratulations to you, Jack. Congratulations to the team and Coach Perkins. Reluctantly, congratulations to you, Senator Diamond.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. I'd just like to ask, if it was 7-6 which one kicked the extra point?

PASSED.

THE PRESIDENT: The Chair would request that the State Champion Eagles of Windham please stand and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Develop a Model Academic Year Calendar

H.P. 1100 L.D. 1563

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-601).**

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

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

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

Signed:

Senator:

WESTON of Waldo

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-601).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-601) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving" (EMERGENCY)

S.P. 579 L.D. 1501

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

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
HOGAN of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-361).**

Signed:

Senator:

GOOLEY of Franklin

Representatives:

BROWNE of Vassalboro
ROSEN of Bucksport
THOMAS of Ripley

Reports **READ.**

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

SECOND READERS

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

House As Amended

Bill "An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries"

H.P. 997 L.D. 1421
(C "A" H-602)

Bill "An Act To Expand Tax Incentives for Visual Media Productions"

H.P. 1005 L.D. 1449
(C "B" H-598)

Bill "An Act To Authorize Municipal Officers To Resolve Road-naming Disputes"

H.P. 1062 L.D. 1513
(C "A" H-596)

Bill "An Act To Ensure Equity in Unemployment Compensation Claims"

H.P. 1074 L.D. 1524
(C "A" H-594)

Bill "An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code"

H.P. 1120 L.D. 1582
(C "A" H-595)

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

Bill "An Act To Remove the Sales Tax on Watercraft"

H.P. 473 L.D. 659
(C "B" H-597)

READ A SECOND TIME

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just wanted to stand to make a brief comment about this in context to the larger issue. This is a unanimous report from the Taxation Committee. It is the right thing to do but it is strange in the context of other things that are going on. This is a shift of the burden. This is an attempt to provide some small level of protection for our boatbuilding industry by shifting the tax burden off of non-residents. Where it is going is a little bit vague to me, but this reduces the burden on non-residents. That's okay. I voted for it. It's the right thing to do, but in the context of other issues, tax reform or whatever, that we are going to be engaged in there is big concern about burden shifting. I want everybody to at least take note that we're providing a benefit, as we should in this case, to non-residents. Thank you, Madame President.

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

Senator **BRANNIGAN:** Thank you, Madame President. Could I pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **BRANNIGAN:** Thank you, Madame President. Isn't this business friendly? Aren't we doing this for Maine businesses?

THE PRESIDENT: The Senator from Cumberland, Senator Brannigan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President. Absolutely, it's a benefit for business. A business we all enjoy, depend on, and we appreciate it being in Maine. We absolutely are doing that. Thank you.

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act To Create the Lincolnville Sewer District"

S.P. 607 L.D. 1601
(C "A" S-360)

Bill "An Act To Establish a Committee To Promote General Aviation in the State"

S.P. 628 L.D. 1663
(C "A" S-358)

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

Sent down for concurrence.

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

ENACTORS

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

Resolve

Resolve, To Name Route 16/27 in the Town of Stratton the Caleb Dalton Stevens Memorial Highway

S.P. 580 L.D. 1502

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Strengthen Collection of Unredeemed Beverage Container Deposits" (EMERGENCY)

H.P. 1263 L.D. 1774

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Display the Homeland Security Advisory System at Public Transportation Facilities"

H.P. 1264 L.D. 1777

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prohibit Surcharges on the Use of Debit Cards" H.P. 1266 L.D. 1779

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Enable the Installation of Broadband Infrastructure" (EMERGENCY)

H.P. 1265 L.D. 1778

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

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

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Expand the Use of Ignition Interlock Devices" H.P. 1137 L.D. 1609

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 **JUDICIARY** on Bill "An Act To Make Technical Changes to the Laws Governing the Practice of Law"
H.P. 1150 L.D. 1622

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 **MARINE RESOURCES** on Bill "An Act To Require That Marine Resources Dealers Purchase Only from Licensed Harvesters"
H.P. 1122 L.D. 1584

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Fund the Maine Downtown Center"
H.P. 75 L.D. 91

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-607)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-607)**.

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

READ ONCE.

Committee Amendment "B" (H-607) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify the Application of Certain Statutory Requirements to Foreclosures" (EMERGENCY)
H.P. 1208 L.D. 1707

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-604)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**.

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

READ ONCE.

Committee Amendment "A" (H-604) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing the We Support Our Troops Registration Plates"
H.P. 1107 L.D. 1570

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-606)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-606)**.

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

READ ONCE.

Committee Amendment "A" (H-606) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Resolve

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

H.P. 1076 L.D. 1526

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection

H.P. 1077 L.D. 1527

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **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:

ENACTORS

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

Acts

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

An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974

H.P. 1087 L.D. 1543

An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District

H.P. 1099 L.D. 1557

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

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

H.P. 1019 L.D. 1464

(C "B" H-593)

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

Resolve

Resolve, To Study Expenditures for Oral Health Care in the MaineCare Program

H.P. 438 L.D. 624

(C "B" H-590)

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, February 11, 2010, at 10:00 in the morning.