

MAINE STATE LEGISLATURE

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

In Senate Chamber
Tuesday
February 23, 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 nice to be here with all of you. At Thanksgiving I visited my mother and stepfather in Florida for a brief vacation, one of my first in just under four years. I saw the shells that are on your desks and I thought of all of you. So many different shapes and colors, designs; each unique, special, as each of you are. I hope that the gift of the shell will remind you that there is beauty in our differences, in our individuality.

There are people close to us here who go above and beyond the call of duty; always helping when asked. They work hard. Smile, do their best to assist us. They make our environment here better, brighter. I speak of the staff under the dome. They are all around us, in office, on different floors. I want them to know that they are appreciated. The cards to celebrate birthdays or acknowledge an illness or loss, the little gatherings I've put together, I've done because you are worth the effort. I always hope these little events will bring us closer together. I cannot take credit for them because I cannot do them alone. I cannot do them without the staff. They happen because we have that special staff. We all know we have great people working for us. There is one person in particular I want to mention today. She especially stands out. She is especially helpful. Always steps up. Lisa Cote. She's one of those special caring people who works and helps. It is who she is and I thank her for her wonderful contributions to this Body.

I mentioned staff, the special people who work under the dome at this time, a time of prayer, because it is time to think about God's gifts. Too often in our haste, stress, competitiveness, we are blinded and we do not see God's gifts. Yes, at times these gifts can be trampled and then it is time to stop, it is time to center again and appreciate our daily gifts, those that surround us. All around us miracles exist. The question is do we have the ability to recognize them and will we appreciate them? Let us pray.

Blessed are they who give without expecting even thanks in return, for they shall be abundantly rewarded. Blessed are they who translate every good thing they know into action, for ever higher truths shall be revealed unto them. Blessed are they who do God's will without asking to see results, for great shall be their recompense. Blessed are they who love and trust their fellow beings, for they shall reach the good in people and receive a loving response. Blessed are they who act with dedicating their lives, and thereby receiving a blessing, and have the courage and faith to surmount the difficulties of the path ahead, for they shall receive a second blessing. Blessed are they who advance

towards the spiritual path without selfish motive of seeking inner peace, for they shall find it. Amen.

Pledge of Allegiance led by Senator Walter R. Gooley of Franklin County.

Reading of the Journal of Thursday, February 18, 2010.

Doctor of the day, Dr. Kevin Price, MD of Saco.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Develop a Model Academic Year Calendar
H.P. 1100 L.D. 1563
(C "A" H-601)

In Senate, February 11, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-601)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-601) AND HOUSE AMENDMENT "A" (H-636)**, in **NON-CONCURRENCE**.

On motion by Senator **ALFOND** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Joint Order

The following Joint Order:

H.P. 1275

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry shall report out, to the House, a bill to facilitate communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.C. 656

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

February 22, 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 Criminal Justice & Public Safety has had under consideration the nomination of Richard L. Hanley of Winthrop, for appointment to the State Board of Corrections.

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	3	Gerzofsky of Cumberland, Davis of Cumberland, Nutting of Androscoggin
	Representatives	8	Haskell of Portland, Burns of Whiting, Greeley of Levant, Lajoie of Lewiston, Magnan of Stockton Springs, Plummer of Windham, Schatz of Blue Hill, Sykes of Harrison
NAYS		0	
ABSTAIN		1	Rep. Hanley of Gardiner
ABSENT		1	Rep. Wheeler of Kittery

Eleven 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 Richard L. Hanley of Winthrop, for appointment to the State Board of Corrections be confirmed.

Signed,

S/Stanley J. Gerzofsky
Senate Chair

S/Anne M. Haskell
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 645

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

February 18, 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 Judiciary has had under consideration the nomination of David J. Soucy of Fort Kent, for appointment as a District Court Judge.

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	Bliss of Cumberland, Hobbins of York
	Representatives	8	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Kruger of Thomaston, , Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		3	Rep. Dill of Cape Elizabeth, Sen. Hastings of Oxford, Rep. Hill of York

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

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 David J. Soucy of Fort Kent, for appointment as a District Court Judge be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **BLISS** of Cumberland, Nomination
TABLED until Later in Today's Session, pending
CONSIDERATION.

The Following Communication: S.C. 646

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

February 18, 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 Judiciary has had under consideration the nomination of Honorable Wayne R. Douglas of Ocean Park, for reappointment as a District Court Judge.

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	Bliss of Cumberland, Hobbins of York
	Representatives	8	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		3	Rep. Dill of Cape Elizabeth, Sen. Hastings of Oxford, Rep. Hill of York

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

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 Honorable Wayne R. Douglas of Ocean Park, for reappointment as a District Court Judge be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 647

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

February 18, 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 Judiciary has had under consideration the nomination of Honorable William S. Brodrick of Moody, for reappointment as an Active Retired Superior Court Justice.

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	Bliss of Cumberland, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	

NAYS 0

ABSENT 2 Rep. Cleary of Houlton, Sen. Hastings of Oxford

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

Eleven 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 Honorable William S. Brodrick of Moody, for reappointment as an Active Retired Superior Court Justice be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 648

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

February 18, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1701 An Act To Facilitate an Increase in Sales of Motor Vehicles

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 644

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

February 17, 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. Alfond of Cumberland, to report the following bill Leave to Withdraw:

L.D. 1654 An Act to Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families

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. 649

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

February 18, 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 bills out "Ought Not to Pass":

- L.D. 160 An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure
- L.D. 1729 An Act To Form a Western Maine Regional School Unit (EMERGENCY)
- L.D. 1732 An Act To Allow a Municipality To Withdraw from a Regional School Unit
- L.D. 1733 An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization (EMERGENCY)
- L.D. 1734 An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009 (EMERGENCY)
- L.D. 1757 An Act To Create Fair Education Funding for Regional School Units

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

Sincerely,

S/Sen. Justin L. Alford
Senate Chair

S/Rep. Patricia B. Sutherland
House Chair

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

The Following Communication: S.C. 650

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 18, 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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1615 An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs (EMERGENCY)

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 651

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

February 18, 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1577 An Act Concerning the Establishment of Water Levels

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

Sincerely,

S/Sen. Seth A. Goodall
Senate Chair

S/Rep. Robert S. Duchesne
House Chair

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

The Following Communication: S.C. 652

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

February 18, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1253 An Act To Establish a Local Option Sales Tax

L.D. 1636 An Act To Encourage Extended Stays in Maine Waters

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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

The Following Communication: S.C. 653

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

February 11, 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. 1320 An Act To Ensure the Availability of Alcohol-free Motor Fuels

L.D. 1555 An Act To Require the Bureau of Motor Vehicles To Accept Certification of Disability from the United States Department of Veterans Affairs

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. 654

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

February 18, 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. 1652 An Act To Provide More Information to the Public Advocate

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. 655

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

February 19, 2010

TO: Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House

FROM: S/Beth L. Ashcroft, Director

RE: Emergency Communications in Kennebec County

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on Emergency Communications in Kennebec County. The report is also available on our website at <http://www.maine.gov/legis/oepaga/Reports.html>. The public comment period on this Report has been scheduled for Friday, February 26, 2010 at 9:30 a.m. in Room 216 Cross Building.

If you have any questions, please do not hesitate to give me a call.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Energy Infrastructure Development"

H.P. 1274 L.D. 1786

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**, pursuant to Public Law, chapter 372, Part F, section 4, subsection 6.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

H.P. 1245 L.D. 1751

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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

H.P. 1246 L.D. 1752

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance Newborn Blood Spot Screening To Conform to Federal Newborn Screening Standards"

H.P. 1144 L.D. 1616

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 Bill "An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge"

H.P. 1217 L.D. 1716

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.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Streamline the Renewal Process for a Permit To Carry a Firearm"

H.P. 1072 L.D. 1522

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-633)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-633)**.

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

READ ONCE.

Committee Amendment "A" (H-633) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Facilitate Establishment of Watershed Districts"

H.P. 1095 L.D. 1553

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-631)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631)**.

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

READ ONCE.

Committee Amendment "A" (H-631) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Concerning the Use of Long-term Antibiotics for the Treatment of Lyme Disease"

H.P. 1210 L.D. 1709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-632)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**.

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

READ ONCE.

Committee Amendment "A" (H-632) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product"

H.P. 1158 L.D. 1630

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-634)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634)**.

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

READ ONCE.

Committee Amendment "A" (H-634) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt Rules Clarifying Fish Stocking Decisions

H.P. 1057 L.D. 1508

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

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook

Representatives:

CLARK of Millinocket
WHEELER of Kittery
SHAW of Standish
BRIGGS of Mexico
EBERLE of South Portland

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

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

CRAFTS of Lisbon
SAVIELLO of Wilton
SARTY of Denmark
McLEOD of Lee
DAVIS of Sangerville

Comes from the House with the Reports **READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE.**

Reports **READ.**

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

Senate

Ought to Pass As Amended

Senator GERZOFKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors" (EMERGENCY)

S.P. 575 L.D. 1497

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-377).**

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

READ ONCE.

Committee Amendment "A" (S-377) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Adopt a Drug Benefit Equity Law"

S.P. 576 L.D. 1498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-374).**

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

READ ONCE.

Committee Amendment "A" (S-374) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 Regarding Coordination of Benefits"

S.P. 587 L.D. 1529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-380).**

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

READ ONCE.

Committee Amendment "A" (S-380) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator JACKSON for the Committee on **LABOR** on Bill "An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters"

S.P. 595 L.D. 1558

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-379)**.

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

READ ONCE.

Committee Amendment "A" (S-379) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator JACKSON for the Committee on **LABOR** on Bill "An Act Regarding Maine Public Employees Retirement System Life Insurance Policies"

S.P. 622 L.D. 1657

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-376)**.

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

READ ONCE.

Committee Amendment "A" (S-376) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Liquor Licenses for Qualified Catering Services" (EMERGENCY)

S.P. 596 L.D. 1559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-375)**.

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

READ ONCE.

Committee Amendment "A" (S-375) **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 Stimulate Capital Investment for Innovative Businesses in Maine"

S.P. 10 L.D. 1

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-378)**.

Signed:

Senators:

SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:

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

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

Signed:

Representative:

MARTIN of Orono

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-378) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Enhance Cooperation between the Workers' Compensation Board's Abuse Investigation Unit and Other State Agencies and To Ensure Equal Application of the Requirement To Obtain Coverage"

S.P. 586 L.D. 1528

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

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland

Representatives:

CLARK of Millinocket
BLODGETT of Augusta
TUTTLE of Sanford
BUTTERFIELD of Bangor
GILBERT of Jay
DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport
HAMPER of Oxford
CUSHING of Hampden
BICKFORD of Auburn

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

The Chair noted the absence of the Senator from Androscoggin, Senator **SIMPSON** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#289)

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

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

EXCUSED: Senator: SIMPSON

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Amend the Loan Originator Registration Laws"
H.P. 1146 L.D. 1618

Bill "An Act To Facilitate Uniformity Regarding Exemption from Registration of Certain Securities Offerings"
H.P. 1147 L.D. 1619

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

House As Amended

Bill "An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure"
H.P. 776 L.D. 1121
(C "A" H-621)

Bill "An Act To Establish a Revenue Source for the Maine Pesticide Education Fund"
H.P. 858 L.D. 1239
(C "A" H-619)

Bill "An Act Concerning Technical Changes to the Tax Laws"
H.P. 1083 L.D. 1539
(C "A" H-622)

Bill "An Act To Protect Consumers from Charges after a Free Trial Period"
H.P. 1085 L.D. 1541
(C "A" H-626)

Bill "An Act To Protect Maine Farms and Nurseries" (EMERGENCY)
H.P. 1123 L.D. 1585
(C "A" H-620)

Bill "An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program"
H.P. 1161 L.D. 1633
(C "A" H-629)

Bill "An Act To Change the Requirements for the Sales Tax Exemption for Snowmobile Trail Grooming Equipment"
H.P. 1165 L.D. 1637
(C "A" H-623)

Bill "An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)
H.P. 1240 L.D. 1743
(C "A" H-624)

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

Bill "An Act To Maintain Compliance of Maine's Insurance Laws with National Standards"
H.P. 1059 L.D. 1510
(C "A" H-628)

READ A SECOND TIME.

On motion by Senator **BOWMAN** of York, Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628) **READ.**

Senate at Ease.

Senate called to order by the President.

Senator **BOWMAN** of York requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628).

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)**, in concurrence.

Senate As Amended

Bill "An Act To Align Education Laws with Certain Federal Laws"
S.P. 588 L.D. 1532
(C "A" S-373)

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:

Emergency Measure

An Act To Amend the Laws Governing the Legislative Youth Advisory Council

S.P. 386 L.D. 1022
(C "A" S-357)

On motion by Senator **BARTLETT** of Cumberland, placed on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence.

Senate at Ease.

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 Paper

Bill "An Act To Clarify Exemptions in the Milk Handling Fee" (EMERGENCY)

H.P. 1276 L.D. 1788

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency"

H.P. 1281 L.D. 1793

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

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission"

H.P. 1277 L.D. 1789

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

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

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

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

ORDERS OF THE DAY

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

NOMINATION - of Richard L. Hanley of Winthrop for appointment to the State Board of Corrections

Tabled - February 23, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 23, 2010, Communication (S.C. 656) from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 (#290)

YEAS: Senators: None

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

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **Richard L. Hanley** of Winthrop for appointment to the State Board of Corrections 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 Richard L. Hanley. Would he please rise and accept the greetings of the Maine Senate.

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

NOMINATION - of the Honorable Wayne R. Douglas of Ocean Park for reappointment as a District Court Judge

Tabled - February 23, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 23, 2010, Communication (S.C. 646) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#291)

YEAS: Senators: None

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

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 the Honorable **Wayne R. Douglas** of Ocean Park for reappointment as a District Court Judge was **CONFIRMED**.

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

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

NOMINATION - of the Honorable William S. Brodrick of Moody for reappointment as an Active Retired Superior Court Justice

Tabled - February 23, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 23, 2010, Communication (S.C. 647) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#292)

YEAS: Senators: None

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

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 the Honorable **William S. Brodrick** of Moody for reappointment as an Active Retired Superior Court Justice was **CONFIRMED**.

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

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

Bill "An Act To Maintain Compliance of Maine's Insurance Laws with National Standards"

H.P. 1059 L.D. 1510
(C "A" H-628)

Tabled - February 23, 2010, by Senator **BOWMAN** of York

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-628), in concurrence

(In House, February 17, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-628).)

(In Senate, February 23, 2010, **READ A SECOND TIME**. On motion by Senator **BOWMAN** of York, Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628) **READ**. Subsequently, **WITHDRAWN**.)

On motion by Senator **BOWMAN** of York, the Senate the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-628), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628) **READ**.

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

Senator **BOWMAN:** Thank you, Madame President. This amendment merely makes clarifying changes to Committee Amendment "A".

On motion by Senator **BOWMAN** of York, Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628) **ADOPTED**.

On motion by Senator **ROSEN** of Hancock, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628).

Senator **ROSEN:** Thank you, Madame President. Just a couple of questions to better understand the amendment. The existing language in the Committee Amendment, if you look at section A, talks about inserting the following 'exceeds 10% of the insurer's surplus to policyholders as of December 31st and the net gain from operations for the preceding calendar year'. The amendment, S-382, changes that provision and says that it will be 10% of the insurer's surplus or the net gain from operations from the preceding year, whichever is greater. I just want to better understand whether that was a mistake in the Committee Amendment, because the Committee Amendment has combined both the insurer's surplus and the net gain from operations. The amendment just presented, 382, says one or the other, whichever is greater. That's a substantial substantive difference and I am just trying to understand whether the original Committee Amendment was in error or if this amendment is a change in direction.

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

Senator **BOWMAN:** Thank you, Madame President. I cannot say with scientific certainty the following, however the bill moves Maine into compliance with the national standards and therefore I would presume that this amendment, Senate Amendment "A" to Committee Amendment "A", merely clarifies the conformance with the national standard. If we need further validation of that I can obtain it, but I do not have that information myself at this time.

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

Senator **ROSEN:** Thank you, Madame President. I am certainly willing to be influenced by the sitting members of the policy committee and if the three members that are here in the policy committee feel comfortable with these changes as not being a major substantive change from the committee report then I will follow their direction. As I read it, it appears that it is, in fact, a significant change. Perhaps I am misreading it. If the three members are comfortable then that's fine with me.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ADOPT** Senate Amendment "A" (S-382) to Committee Amendment "A" (H-628).

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues"
H.P. 1278 L.D. 1790

Reported that the same be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, pursuant to Resolve, chapter 137, section 6.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

Bill and accompanying papers **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings"

H.P. 1279 L.D. 1791

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"

H.P. 1280 L.D. 1792

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Off Record Remarks

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

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **MILLS**: Thank you, Madame President. In the 1990's Rule 514 had a slightly different version from the one that we now

have in the Senate Rules. It permitted any member of the Senate to, at 9 o'clock in the evening, ask for a decision on whether they should continue beyond 9 o'clock and the vote had to be carried by a two-thirds majority in order to continue. If you let the clock go beyond 9 o'clock precisely you stood in jeopardy of having the Presiding Officer at that time rule that we had extended by implication and thus the motion was out of order. Undoubtedly the most famous invoker of Rule 514 was Norm Ferguson, who died yesterday. I saw him on Saturday for about an hour. He was extremely weak but his mind was alert. He was talking politics, I want to report to you, as intensely as ever. He was a wonderful legislator. He was my seatmate on one or two occasions. He could always be counted upon to look at an issue, make his decision, and let the world know what he was going to do. He was a very fine legislator in that respect and he took his mission very seriously. He had 26 years as a County Commissioner. He was able to represent a district where there were a lot of Union paper mill workers because he was part of the mill at one point in his career. He had four sons who grew up here in Maine and are now still living in Maine, for those of you who have adult children. How envious we are. His wife, Barbara, of 53 years is still living in Hanover. The funeral is Saturday at 2 o'clock in the little Congregational Church in Hanover. Norm will be sorely missed by all of us and when we adjourn today, if I may, I would move that we do so in honor of former Senator Norm Ferguson. Thank you, Madame President.

Senator **HASTINGS** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **HASTINGS**: Thank you, Madame President. I too want to echo the Senator from Somerset, Senator Mills, memories and to honor Senator Norm Ferguson. I'll briefly two things that come to mind with Norm. He clearly was a man that was so well respected. You know it's common wisdom on our side of the aisle how difficult it is for a Republican to be elected in the Rumford area. Norm obviously was the type of personality that engendered respect from people of all persuasions. I think that the fact that he was able to serve that area speaks volumes about his character. He also had a tough side to him too. Your side of the aisle didn't know this about him. He was just a tremendous Republican fundraiser. We all have to raise funds. You didn't have to face the wrath of Norm Ferguson when it came time to fill our coffers for the next election cycle. Norm was always a gentleman but you never said no to Norm when it was that time of year. He was a wonderful man and I echo the Senator from Somerset, Senator Mills, sentiments. Thanks you.

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

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

Senator **SHERMAN** of Aroostook was granted unanimous consent to address the Senate off the Record.

On motion by Senator **HASTINGS** of Oxford, **ADJOURNED**, until Thursday, February 25, 2010, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Norman K. Ferguson, Jr. of Hanover.