

# MAINE STATE LEGISLATURE

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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  
March 2, 2010

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

Prayer by Senator Peter B. Bowman of York County.

**SENATOR BOWMAN:** Good morning. A Celtic sage once said that poetry is a conversation between souls so I'd like to read a poem for you this morning. My family and several of you have experienced a loss in the last several months, so this poem is about loss but it uses two therapeutic instruments: one is commonsense and the other is a bit of humor. It's written by an anonymous poet.

I read of a man who stood to speak at the funeral of a friend.  
He referred to the dates on her tombstone from the beginning to the end.  
He noted that first came the date of her birth and spoke of the following date with tears,  
but he said what mattered most of all was the dash between those year,  
for that dash represents all the time that she spent alive on earth  
and now only those who loved her know what that little line is worth.  
For it matters not how much we own; the cars, the house, the cash.  
What matters is how we live and love and how we spend our dash.  
So think about this long and hard, are there things you'd like to change?  
For you never know how much time is left, you could be at dash mid-range.  
If we could just slow down enough to consider what's true and real,  
and always try to understand the way other people feel,  
and be less quick to anger and show appreciation more  
and love the people in our lives like we've never loved before.  
If we treat each other with respect and more often wear a smile,  
remembering that this special dash might only last a while.  
So when your eulogy is being read, with lives actions to rehash,  
would you be proud of the things they say about how you spent your dash?

I would like to close with a blessing from the book Unam Cara by the late Irish poet and former priest John O'Donohue. May the day never burden, may dawn find you awake and alert, approaching your new day with dreams, possibilities, and promises. May evening find you gracious and fulfilled. May you go into the night blessed, sheltered, and protected. May your soul calm, console, and renew you.

Pledge of Allegiance led by Senator Philip L. Bartlett, III of Cumberland County.

Reading of the Journal of Thursday, February 25, 2010.

Doctor of the day, Dr. Paul Liebow, MD of Bucksport, Maine.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order:

H.P. 1289

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall report out, to the House, a bill regarding the direct initiative process.

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.

**Joint Resolutions**

The following Joint Resolution:

H.P. 1287

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ISSUE THE \$250 ONE-TIME PAYMENT TO SOCIAL SECURITY RECIPIENTS**

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, the Social Security Administration announced there will be no cost-of-living increase for 57,000,000 Social Security beneficiaries in 2010 because consumer prices have fallen; and

WHEREAS, this year marks the first time that Social Security benefits have not increased annually since the cost-of-living adjustment requirement was put into effect in 1975; and

WHEREAS, to help people who are not getting a cost-of-living increase, President Obama has called on Congress to send a \$250 relief payment to every Social Security recipient, disabled veteran, railroad retirement recipient and citizen who receives a federal or state pension instead of Social Security to ease the economic strain; and

WHEREAS, the government issued a \$250 relief payment last year; and

WHEREAS, this proposed \$250 payment is roughly equal to only a 2% increase in benefits for the average Social Security beneficiary and last year Social Security beneficiaries got a 5.8% cost-of-living adjustment, the largest since 1982, largely because of the jump in energy prices; and

WHEREAS, Congress approved a similar payment as part of the American Recovery and Reinvestment Act of 2009 and, as with that payment, this 2nd payment would be exempt from income tax and provide immediate relief to those most in need; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge and request that the United States Congress pass legislation in order to send \$250 to every Social Security recipient, disabled veteran, railroad retirement recipient and citizen who receives a federal or state pension instead of Social Security to offset the lack of a cost-of-living raise in benefits from Social Security in 2010; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

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The following Joint Resolution:

H.P. 1290

**JOINT RESOLUTION IN SUPPORT OF THE ANNUAL  
WASHINGTON JUNETEENTH NATIONAL HOLIDAY  
OBSERVANCE**

WHEREAS, for more than 143 years, Juneteenth National Freedom Day, also known as Emancipation Day, Emancipation Celebration, Freedom Day, Juneteenth Independence Day and Juneteenth, has been one of the most recognized African-American holiday observances in the United States; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger, on June 19, 1865 in Galveston, Texas, more than 2 1/2 years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, Juneteenth commemorates the determination of the first people from Africa, approximately 11,500,000 of whom survived the awful voyages across the Atlantic and who were brought to this country to serve as slaves and whose descendants served as slaves for 200 years before the horrific system was abolished; and

WHEREAS, over 130 years after the Emancipation Proclamation and after years of informal annual celebration, Juneteenth was finally officially recognized in 1997 as Juneteenth Independence Day in America by the President of the United States and the United States Congress in the first session of the 105th Congress with bipartisan cooperation in Senate Joint Resolution 11 and House Joint Resolution 56; and

WHEREAS, "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; and

WHEREAS, the National Juneteenth Observance Foundation is sponsoring the premier celebration, concert, worship services and campaign to commemorate what many people consider to be America's 2nd Independence Day Observance, the "19th of June," and to recognize this country's movement towards a "One America"; and

WHEREAS, it is important to continue a dialogue of the realization of what Juneteenth historically means to all Americans, to promote racial healing, reconciliation, restoration and justice; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, support the National Juneteenth Holiday campaign and encourage people in our State to participate in the Annual Washington Juneteenth National Holiday Observance during the week of June 19th in Washington, D.C.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.P. 708

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

February 26, 2010

Sen. Elizabeth M. Schneider  
Senate Chair, Joint Standing Committee on Business, Research  
and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on Business, Research  
and Economic Development  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Schneider and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated  
Sarah Frost Doscinski of Temple for appointment to the Maine  
Rural Development Authority.

Pursuant to Title 5 M.R.S.A. §13120-D, this nomination will  
require review by the Joint Standing Committee on Business,  
Research and Economic Development 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 **BUSINESS,  
RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

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The Following Communication: S.C. 662

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

February 24, 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 Agriculture, Conservation and Forestry has had under  
consideration the nomination of Richard E. Stevenson, Jr. of  
Bath, for reappointment to the Board of Pesticides Control.

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	Nutting of Androscoggin, Sherman of Aroostook
	Representatives	8	Pieh of Bremen, Cray of Palmyra, Edgcomb of Caribou, Gifford of Lincoln, McCabe of Skowhegan, O'Brien of Lincolnville, Percy of Phippsburg, Pratt of Eddington
NAYS		0	
ABSENT		3	Sen. Bryant of Oxford, Rep. Kent of Woolwich, Rep. Smith of Monmouth

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 Richard E. Stevenson, Jr. of Bath, for  
reappointment to the Board of Pesticides Control be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

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The Following Communication: S.C. 663

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

February 24, 2010

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

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

February 24, 2010

Dear Madame President:

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

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 Agriculture, Conservation and Forestry has had under consideration the nomination of Diane Doyle of Saco, for reappointment to the Land For Maine's Future Board.

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 Agriculture, Conservation and Forestry has had under consideration the nomination of John M. Joseph, Jr. of Hallowell, for reappointment to the Maine Milk Commission.

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:

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	Nutting of Androscoggin, Sherman of Aroostook
	Representatives	8	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, Percy of Phippsburg, Pratt of Eddington
NAYS		0	
ABSENT		3	Sen. Bryant of Oxford, Rep. O'Brien of Lincolnville, Rep. Smith of Monmouth

YEAS	Senators	2	Nutting of Androscoggin, Sherman of Aroostook
	Representatives	9	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolnville, Percy of Phippsburg, Pratt of Eddington
NAYS		0	
ABSENT		2	Sen. Bryant of Oxford, Rep. Smith of Monmouth

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 Diane Doyle of Saco, for reappointment to the Land For Maine's Future Board be confirmed.

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 John M. Joseph, Jr. of Hallowell, for reappointment to the Maine Milk Commission be confirmed.

Signed,

Signed,

S/John M. Nutting  
 Senate Chair

S/John M. Nutting  
 Senate Chair

S/Wendy Pieh  
 House Chair

S/Wendy Pieh  
 House Chair

**READ and ORDERED PLACED ON FILE.**

**READ and ORDERED PLACED ON FILE.**

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

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

The Following Communication: S.C. 664

The Following Communication: S.C. 665

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

February 24, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Barbara J. Dresser of Saco, for appointment to the State Harness Racing Commission.

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	Nutting of Androscoggin, Sherman of Aroostook
	Representatives	9	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntown, Percy of Phippsburg, Pratt of Eddington
NAYS		0	
ABSENT		2	Sen. Bryant of Oxford, Rep. Smith of Monmouth

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 Barbara J. Dresser of Saco, for appointment to the State Harness Racing Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
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. 666

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

February 24, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Stanley P. Kuklinski of Farmington, for reappointment to the State Harness Racing Commission.

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	Nutting of Androscoggin, Sherman of Aroostook
	Representatives	9	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntown, Percy of Phippsburg, Pratt of Eddington
NAYS		0	
ABSENT		2	Sen. Bryant of Oxford, Rep. Smith of Monmouth

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 Stanley P. Kuklinski of Farmington, for reappointment to the State Harness Racing Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
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.**

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The Following Communication: S.C. 658

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

February 19, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1684 An Act To Amend the Laws That Provide an Exemption for Agricultural Guard Dogs from Municipal Ordinances Governing Barking Dogs

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

Sincerely,

S/Sen. John M. Nutting  
Senate Chair

S/Rep. Wendy Pieh  
House Chair

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

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The Following Communication: S.C. 659

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

February 19, 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 bills out "Ought Not to Pass":

L.D. 1511 An Act To Remove the Age Limit Governing When a Court Must Consider the Wishes of a Child in a Proceeding for the Termination of Parental Rights

L.D. 1714 An Act To Protect Information Maintained by Registers of Deeds

We have also notified the sponsors and cosponsors of each bill listed 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.**

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The Following Communication: S.C. 660

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

February 22, 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. 1678 Resolve, Directing the Department of Transportation To Review the Fiscal Impact on the State of the Closure of the Railroad Track between Madawaska and Millinocket (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.**

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The Following Communication: S.C. 661

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

February 19, 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. 1660 An Act To Reallocate Funds for 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.**

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The Following Communication: S.C. 667

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

February 22, 2010

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

Dear Madam President and Madam Speaker:

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

Sincerely,

S/Senator Troy Dale Jackson  
Senate Chair

S/Representative John L. Tuttle  
House Chair

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

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The Following Communication: S.C. 668

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

February 22, 2010

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

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Labor from the review and evaluation of the Maine Workers' Compensation Board under the State Government Evaluation Act. In its review, the Committee found that the Maine Workers' Compensation Board is operating within its statutory authority.

Sincerely,

S/Senator Troy Dale Jackson  
Senate Chair

S/Representative John L. Tuttle  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Make Certain MaineCare Rules Regarding Service Provided by the Department of Health and Human Services through the Department of Education Major Substantive Rules" (EMERGENCY)

S.P. 707 L.D. 1804

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative FINCH of Fairfield and Senators: BRANNIGAN of Cumberland, President MITCHELL of Kennebec, WESTON of Waldo, Representatives: JOHNSON of Greenville, NELSON of Falmouth, RICHARDSON of Carmel, SUTHERLAND of Chapman, WAGNER of Lewiston.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

---

**REPORTS OF COMMITTEES**

**House**

**Pursuant to Public Law**

The Committee on **NATURAL RESOURCES** on Bill "An Act Regarding Solid Waste Facilities"

H.P. 1282 L.D. 1794

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**, pursuant to Public Law, chapter 412, Part B, section 2.

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

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

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

The Committee on **NATURAL RESOURCES** on Bill "An Act Regarding Planning for the Management of Solid Waste"  
H.P. 1285 L.D. 1797

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**, pursuant to Public Law, chapter 412, Part B, section 1.

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

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

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

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**Ought to Pass**

The Committee on **TAXATION** on Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process

H.P. 1063 L.D. 1514

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

H.P. 1248 L.D. 1754

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections (EMERGENCY)

H.P. 1237 L.D. 1740

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 **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Dexter Utility District"

H.P. 1065 L.D. 1516

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.**

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**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

H.P. 187 L.D. 233

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-647)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-647)**.

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

**READ ONCE.**

Committee Amendment "B" (H-647) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Bingo Laws"

H.P. 1229 L.D. 1731

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-646)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)**.

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

**READ ONCE.**

Committee Amendment "A" (H-646) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry" (EMERGENCY)

H.P. 1131 L.D. 1593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-643)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-643)**.

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

**READ ONCE.**

Committee Amendment "A" (H-643) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TAXATION** on Bill "An Act To Raise the Property Tax Exemption for Veterans"

H.P. 60 L.D. 71

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-644)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-644)**.

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

**READ ONCE.**

Committee Amendment "B" (H-644) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Buckfield Village Corporation"  
H.P. 1075 L.D. 1525

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-649).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-649).**

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

**READ ONCE.**

Committee Amendment "A" (H-649) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act Related to Qualified Waste-to-energy Power"  
H.P. 1221 L.D. 1720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-650).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650).**

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

**READ ONCE.**

Committee Amendment "A" (H-650) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senate

Ought to Pass As Amended

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Confidential Consumer Records in Self-service Storage Facilities"  
S.P. 577 L.D. 1499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-389).**

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

**READ ONCE.**

Committee Amendment "A" (S-389) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Ensure That Search and Rescue Dogs Are Afforded the Same Access to Public Accommodations as Service Animals"  
S.P. 584 L.D. 1519

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-387).**

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

**READ ONCE.**

Committee Amendment "A" (S-387) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of Fish and Wildlife Laws"  
S.P. 615 L.D. 1650

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-388).**

Report **READ**.

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

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Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare"  
S.P. 611 L.D. 1604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-385).**

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

**READ ONCE**.

Committee Amendment "A" (S-385) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 599 L.D. 1562

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-391)**.

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

**READ ONCE**.

Committee Amendment "A" (S-391) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator **SMITH** of Piscataquis was granted unanimous consent to address the Senate on the Record.

Senator **SMITH**: Thank you, Madame President. The desk before you, just to make it perfectly clear what it is, is the original Senate President's desk. Many of you have asked how could a humble country lawyer from Maine's smallest county end up in the ownership of such a desk. This is the story of how it happened. I will tell you that the preservation of that desk is greatly intertwined with a distinguished family from Piscataquis County. It is not the Smith family that I talk about here. It is quite a story of service to country, to state, to community, and of philanthropy to this great state. I think we ought to get that story out as the desk is much intertwined with it.

Let me just pick it up quickly when Joseph B. Peaks was born in 1839 in my general area of the state of Maine. He grew up there, educated at Charleston Academy, which was one of those town academies, and East Corinth Academy, another one of the town academies long defunct. At the end of his high school career he pursued other educational opportunities and in April 1861 ended up in Lowell, Massachusetts visiting his brother. The morning of April 15, 1861 there appeared in the local Lowell newspaper Lincoln's call for the first 75,000 troops to volunteer to deal with the crisis that had arisen as result of the firing on Fort Sumter and the cession of several states. Early that morning Joseph B. Peaks read that headline and inquired of his brother whether there was a place that he could go to perhaps volunteer and was told that there was an armory. It was the home of the Lowell City Guards. It was a unit of the soon to be famous 6<sup>th</sup> Massachusetts Regiment. He appeared at the armory early that morning and by 10:30 was in uniform, in the afternoon was in drills, and under orders of Governor Andrews of Massachusetts, a

Maine-born governor of Massachusetts I might add, he was on his way the next morning to defend Washington D.C. He served his three months, that was a three month call of volunteers. The entire regiment volunteered for an additional month and at the end of that month it was mustered out of federal service and Joseph B. Peaks returned to Charleston, Maine. He was just in time to teach a term of school, a short term, which he did. He then re-enlisted in the United States Army in a very famous unit from Maine, the 1<sup>st</sup> Maine Cavalry headed by a famous cavalry officer by the name of Colonel Calvin S. Douty. Colonel Douty was later killed in action. Joseph Peaks saw action in many significant battles in the early part of the Civil War including Fredericksburg and Brandywine. He was severely wounded in the Battle of Aldie and was taken prisoner for a time and later escaped. He was discharged in late 1863.

He returned to the Dover-Foxcroft area to recuperate and to start a long and distinguished career in business and politics. In 1870 he passed the bar, such as it was in those days, and joined the Piscataquis bar, according to the records of the Maine Supreme Court. In 1871 he married a local girl by the name of Eliza Chadburn, who was from a fairly well-to-do family there. In 1872 he had his first child, Anne. In 1874 he had a second child. This family was very dedicated to our area, was a very loving family, and as it grew Joseph embarked upon this very distinguished career. In 1880 he was appointed by Governor Davis, no relation to my seatmate I presume, as one of Maine's early Insurance Commissioners. Later in the 1880's he led a group that brought the railroads into that area of the state of Maine. It was exhausting undertaking and I am told that so much so that at the end of the multi-year effort, where he worked day and night, his health had deteriorated and he had a hard job staying on top of it for the rest of his life. The railroads came into the area. In the late 1800's he served in the State Legislature in the House and then in the Senate. The Senate was not, of course, located here. In those days it was located in another part of the State House. He eventually was appointed to the Railroad Commission and ascended to its chairmanship because of his vast knowledge of railroads and oversaw the development of Maine's railroad system up until about 1910.

In 1902 this desk was sold by the State of Maine to Mr. Peaks. It was transported to Dover-Foxcroft and sat in the upper chamber of a carriage house for nearly three-quarters of a century. Mr. Peaks died in 1911. Mrs. Peaks died in 1934. Anne died in 1959. Francis, at the age of 90 by the way, decided that much of the family property, which is surrounding Sebec Lake, he could no longer use and decided to give it to the State of Maine. At the age of 90, this old lawyer, who had taken up his father's practice, gave a large piece of property, some 800 acres around Sebec Lake, and in 1964 Governor Reed came to town and it was dedicated as Peaks-Kenny State Park, one of the most popular and used state parks in inland Maine. Back to the desk, as it sat there for three-quarters of a century in the barn, Francis died three days short of a lifetime goal of reaching 100 years of age. He died on February 23, 1974. On February 26, 1974 he would have been 100 years old. That summer I was serving as an intern, really, in the local County Attorney's office under the old County Attorney system between my second and third year of law school. The County Attorney had gotten the estate to administer and he came over to me at the County Attorney's one day and the Peaks' estate was exactly next door to the court house. He said, 'After work would you mind going with me next door so that you can help me with a couple of things I need some help with?' I

said I'd be happy to. He took me to the carriage barn and we crawled around there, handling a lot of stuff over. He was obviously trying to put the inventory of the estate together. We came upon two large boxes. He said, 'It's time for us to take a board off the top of those boxes and see what's in there.' We did and, low and behold, there was a large desk in one box. We popped a board off the other one and there was another large desk. I said, 'That is a magnificent looking desk.' He said, 'It's all going to go for auction in a few weeks.' I said, 'I would like to have one of those desks for my law office that I'm going to shortly set up in Dover-Foxcroft.' He said, 'Well, I hope you get one.' No offer of payment of that desk for my services that day, I'll tell you.

The auction day arrived and my mother, God love her, who sits in this chamber today listening to this presentation, has a great interest in antiques and had a particular interest in running an errand for me that day and attended on my behalf. I was in the Legislature at the time and could not attend the auction. I was off on State business. I told her that I wanted one of those desks, having no idea what it was. I can tell you that I sent a good agent to the auction that day. My mother is not known for spending money unnecessarily. The first desk that was put on the auction block, we didn't know it at the time, was the original desk of the Speaker of the House. The bidding started rather high that day and went north of \$100, then north of \$200, then north of \$300, and settled out somewhere in the \$400 to \$500 range, as I recall. By that time my mother, knowing that another desk was to follow, had dropped out of the bidding. It went to, as it turned out, a neighbor of mine down the street on main street Dover-Foxcroft. Thinking they were going to get the second highest bid, they put the second desk right up. This is an accomplished auctioneer, I'll tell you, Robert Hall, who is a leading antiquarian of the state at the time. He was quite sure he was going to get that second highest bid. He put it on the block and the bidders were silent. He looked at my mother, knowing that I wanted that desk, and she said, 'I'll give you \$5 for that desk.' He said, 'Sold.' I became the owner of the desk for \$5. By the way, my mother also bought for me a much-treasured possession that came out of that distinguished estate. It was an ancient picture of Abraham Lincoln. It is some sort of original in its original frame. It hung in my law office for many years. She paid the large sum of \$25 for that picture of Abraham Lincoln. I got the desk and the picture for a total of \$30. It went first over to the hall establishment there to be sort of cleaned up and refurbished. It had been sitting around for about three-quarters of a century in the top of that barn.

It eventually made it back to my office where I used it for close to 20 years as my personal desk. I tell you it was a lovely desk and kicked off a lot of interesting conversations with many hundreds of people that came through in that period of time. Everybody was interested in it. I was beginning to worry about what I was going to do with it, to tell you the truth. In late 1993 or early 1994 it became known to me that the State was trying to reacquire some of the original desks and furniture from the original State House. The original State House was a very small part of what we see here today. It was established and occupied for the first time in 1832. We believe that this desk probably entered the Senate chamber about that time. It is pictured in an 1870 photo that is on the wall nearby here in the State House clearly as the Senate President's desk. I was pleased that the State wanted to acquire it. I contacted the State Museum. Talked to the fellow who couldn't believe what he was hearing. He immediately left for Dover-Foxcroft with a van to verify its authenticity, which I had proof of, and I was pleased to return it to

the State of Maine. I am particularly pleased that my mother was here today to see the desk one more time because she had a key role in obtaining it and continuing its safety for the next 20 years before it was returned to the State. It's a priceless piece. By the way, I suppose you would all want to know what it was appraised at at the time I gave it back. After it was in State possession it was appraised by a well-known appraiser for \$7,500. If it had been a cash transaction it would have been a tidy profit but it was not a cash transaction. I was very pleased to be able to use it. It's a beautiful thing. It's laced with history. I've given only a part of it here today. I hope the State will be able to find some useful place to display it and I hope that the public will come to understand its importance historical value to us all. Thank you.

**THE PRESIDENT:** The Chair thanks the Senator from Piscataquis, Senator Smith, and the Chair would also like to recognize the person who really acquired the desk on his behalf. His mother, Miriam Smith, is here as well as his wife, Cartha. Would you both stand and accept the greetings of the Maine Senate. Because we are doing some historical celebrations and we have our own historic person here in the person of Earle Shettleworth, who is State Historic Preservation Officer, I thought he would like to hear these comments. I wanted to share something with you. I hope you will all come into my office to see it. I hold here a picture of the office. The only thing that looks remotely different is there is no moose. I am going to ask Senator Bryant from Oxford if he could remedy that situation. This was the Governor's office, now the current Senate President's office. The picture that you see was Governor Carl E. Milliken signing the Women's Suffrage Proclamation in 1917 in the Governor's office. I wanted Earl to be here because he presented this. It's a copy of the print that he has. Earl is always reminding us of our roots and I thought today's a perfect day. We have both the desk and we have the women's right to vote right here before us. Thank you very much. Earl, would you stand.

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Off Record Remarks

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**THE PRESIDENT:** With the desk and the photograph we have had a wonderful journey into the past but now we are going to celebrate the future. This Legislature works extraordinarily hard to raise fund for student scholarships. Soon there will be another student scholarship auction coming up and I'm sure there will be announcements to follow later. Now we would like to award the results of your hard work in the form of scholarship checks to our students. I'm going to ask them to come forward. They will be accompanied by the Senator from their district to receive their scholarship checks because we're so very proud of them.

First we have from Aroostook County, Chase Jackson, who is attending the University of Southern Maine. He's escorted by his father, Senator Troy Jackson of Aroostook County.

From Franklin County, Sabrina Keach, who is attending the Maine Maritime Academy. She is accompanied by her grandmother, Nancy Twitchell. Sabrina is escorted by Senator Walter Gooley of Franklin County.

From Hancock County, Katelyn Tracy, who is attending the University of Maine at Orono. She is accompanied by her friend, Levon Tracy, and is escorted by Senator Dennis Damon of Hancock County.

From Knox County, Adela Annis, who is attending Unity College. She is accompanied by her parents, Keryn and Christine Annis, and her grandmother, Claire Frye. Adela is escorted by Senator Chris Rector of Knox County.

From Oxford County, Darlene Whitaker, who is attending the University of Maine at Augusta. She is accompanied by her mother, Donna Taylor, and her daughter, Chelsea Austin. Darlene is escorted by Senator Bruce Bryant of Oxford County.

From Waldo County, Rachel Larrabee, who is attending Thomas College in Waterville. She is accompanied by her friend, Tom Greenwood. Rachel is escorted by Senator Carol Weston of Waldo County.

We are extraordinarily proud of our student scholars and we are proud of all of you for making it possible. For one last moment of recognition, let me ask Chase Jackson, Sabrina Keach, Katelyn Tracy, Adela Annis, Darlene Whitaker, and Rachel Larrabee to stand and accept the congratulations of the Maine Senate.

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#### ORDERS OF THE DAY

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

NOMINATION - of Richard E. Stevenson, Jr. of Bath for reappointment to the Board of Pesticides Control

Tabled - March 2, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 2, 2010, Communication (S.C. 662) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#293)

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, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senator: RAYE

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 E. Stevenson, Jr.** of Bath for reappointment to the Board of Pesticides Control was **CONFIRMED**.

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

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

NOMINATION - of Diane Doyle of Saco for reappointment to the Land For Maine's Future Board

Tabled - March 2, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 2, 2010, Communication (S.C. 663) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#294)

YEAS: Senators: None

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

ABSENT: Senator: RAYE

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Diane Doyle** of Saco for reappointment to the Land For Maine's Future Board was **CONFIRMED**.

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

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

NOMINATION - of John M. Joseph, Jr. of Hallowell for reappointment to the Maine Milk Commission

Tabled - March 2, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 2, 2010, Communication (S.C. 664) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#295)**

YEAS: Senators: None

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

ABSENT: Senator: RAYE

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **John M. Joseph, Jr.** of Hallowell for reappointment to the Maine Milk Commission was **CONFIRMED**.

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

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

NOMINATION - of Barbara J. Dresser of Saco for appointment to the State Harness Racing Commission

Tabled - March 2, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 2, 2010, Communication (S.C. 665) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#296)**

YEAS: Senators: None



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

ABSENT: Senator: RAYE

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Barbara J. Dresser** of Saco for appointment to the State Harness Racing Commission was **CONFIRMED**.

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

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

NOMINATION - of Stanley P. Kuklinski of Farmington for reappointment to the State Harness Racing Commission

Tabled - March 2, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 2, 2010, Communication (S.C. 666) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#297)**

YEAS: Senators: None

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

ABSENT: Senator: RAYE

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Stanley P. Kuklinski** of Farmington for reappointment to the State Harness Racing Commission was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair is pleased to recognize in rear of the chamber Stanley Kuklinski, who is also the husband of the Attorney General of the State of Maine and the brother-in-law of Senator Peter Mills. Would he please stand and accept the greetings of the Maine Senate.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require a Pharmacist To Provide Prior Notification to and Obtain Consent from the Prescribing Physician before Changing from One Formulation or Manufacturer of an Antiepileptic Drug to Another" S.P. 644 L.D. 1672

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

Signed:

Senators:  
BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:  
PERRY of Calais  
JOY of Crystal  
LEWIN of Eliot  
STRANG BURGESS of Cumberland  
EVES of North Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-390).**

Signed:

Representatives:

- PETERSON of Rumford
- JONES of Mount Vernon
- SANBORN of Gorham
- CAMPBELL of Newfield
- STUCKEY of Portland

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Maine Citizens' Credit" S.P. 648 L.D. 1676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-392).**

Signed:

Senators:

- BOWMAN of York
- ALFOND of Cumberland

Representatives:

- TREAT of Hallowell
- PRIEST of Brunswick
- BEAUDOIN of Biddeford
- LEGG of Kennebunk
- MORRISON of South Portland
- GOODE of Bangor
- BECK of Waterville
- WEAVER of York
- FOSSEL of Alna

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

Signed:

Senator:

- McCORMICK of Kennebec

Representative:

- RICHARDSON of Warren

Reports **READ.**

On motion by Senator **BOWMAN** of York, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-392) **READ** and **ADOPTED.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions" S.P. 341 L.D. 891

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-386).**

Signed:

Senator:

- GOODALL of Sagadahoc

Representatives:

- BOLDUC of Auburn
- KNAPP of Gorham
- EBERLE of South Portland
- DUCHESNE of Hudson
- WALSH INNES of Yarmouth
- WELSH of Rockport

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

Signed:

Senator:

- SMITH of Piscataquis

Representatives:

- HAMPER of Oxford
- EDGEComb of Caribou

Reports **READ.**

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report.

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**SECOND READERS**

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

**House**

Bill "An Act To Amend the Laws Governing Advanced Practice Registered Nurses"

H.P. 1203 L.D. 1702

Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1239 L.D. 1742

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

**House As Amended**

Bill "An Act Concerning the National Animal Identification System"

H.P. 857 L.D. 1238  
(C "A" H-641)

Bill "An Act To Establish a Residential Wood Stove Replacement Fund"

H.P. 1113 L.D. 1575  
(C "A" H-642)

Bill "An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages" (EMERGENCY)

H.P. 1156 L.D. 1628  
(C "A" H-645)

Bill "An Act To Amend the Laws Relating to Government Records"

H.P. 1219 L.D. 1718  
(C "A" H-638)

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

**Senate As Amended**

Bill "An Act To Facilitate Recovery Zone Facility Bonds" (EMERGENCY)

S.P. 590 L.D. 1530  
(C "A" S-381)

Bill "An Act Regarding the Maternal and Infant Death Review Panel" (EMERGENCY)

S.P. 606 L.D. 1599  
(C "A" S-383)

Bill "An Act To Amend the Election Laws and Other Related Laws"

S.P. 632 L.D. 1667  
(C "A" S-384)

**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 Assist in Reviewing Wind Energy Applications  
S.P. 652 L.D. 1680  
(C "A" S-370)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Measure**

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

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

**Emergency Resolve**

Resolve, To Enhance Protection of Maine Farms and Nurseries  
H.P. 1123 L.D. 1585  
(C "A" H-620)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

**Acts**

An Act To Encourage Veterinary Practice in Maine and Make Revisions to Related Medical Education Programs Administered by the Finance Authority of Maine

S.P. 116 L.D. 352  
(C "B" S-368)

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)

An Act To Provide Funding To Educate Homeowners in Integrated Pest Management

H.P. 858 L.D. 1239  
(C "A" H-619)

An Act Concerning Technical Changes to the Tax Laws

H.P. 1083 L.D. 1539  
(C "A" H-622)

An Act To Protect Consumers from Charges after a Free Trial Period

H.P. 1085 L.D. 1541  
(C "A" H-626)

An Act To Eliminate the 3-trap Limit in the Waters of the State

S.P. 597 L.D. 1560  
(C "A" S-367)

An Act To Amend Laws Administered by the Department of Environmental Protection

S.P. 610 L.D. 1603  
(C "A" S-362)

An Act To Amend the Loan Originator Registration Laws

H.P. 1146 L.D. 1618

An Act To Facilitate Uniformity Regarding Exemption from Registration of Certain Securities Offerings

H.P. 1147 L.D. 1619

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)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2011

S.P. 669 L.D. 1746  
(C "A" S-371)

**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 Prohibit Furnishing a Place for Minors To Use Illegal Drugs

S.P. 305 L.D. 791  
(C "B" S-364)

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

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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)

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

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An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources

S.P. 654 L.D. 1682  
(C "A" S-372)

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

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**Resolves**

Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River

S.P. 262 L.D. 687  
(C "A" S-363)

Resolve, To Develop Model Academic Year Calendars

H.P. 1100 L.D. 1563  
(C "A" H-601; H "A" H-636)

Resolve, To Increase the Financial Stability of Low-income Families in Maine

S.P. 614 L.D. 1649  
(C "A" S-365)

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

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1292 L.D. 1805

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

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

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

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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#### **ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (2/23/10) Assigned matter:

JOINT ORDER - Directing the Joint Standing Committee on Agriculture, Conservation and Forestry To Report Out a Bill  
H.P. 1275

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

Pending - **PASSAGE**, in concurrence

(In House, February 18, 2010, **READ** and **PASSED**.)

(In Senate, February 23, 2010, **READ**.)

On motion by Senator **NUTTING** of Androscoggin, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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