

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

Second Regular Session
January 6, 2010 to April 12, 2010

Pages 1209 - 1846

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

In Senate Chamber
Tuesday
March 16, 2010

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

Prayer by Reverend Anne Roundy, First Parish Church
Congregational, UCC of Freeport.

REVEREND ROUNDY: Let us be in an attitude of prayer. Gracious and Holy One, we give You thanks for this day, a new opportunity to be Your people. We give thanks for the sunshine after several days of rain, at least for those of us who live in the southern part of the state. We give thanks for budding trees and sap running and the hope of Spring just around the corner. You have called us to be servants of the people of Maine and we have responded with a sincere yes. Now we have the task of seeing this state through difficult times, difficult conversations, and difficult decisions. We pray that You be present in our midst as we deliberate, as we ask our questions, and listen to answers given. Help us to carefully listen to our colleagues, both those with whom we agree and those with whom we do not. Help us to speak our truths and to respect the right of others to speak theirs. Most of all, Eternal Spirit, guide our time together that we may make decisions that are in the best interest of the people of Maine. It a blessing to live in this most beautiful state, Creator of All. A state of such diversity. Cities bustling with people and industry and rural areas with farms and small businesses. The coast and its marine industry and the mountains with winter sports and flora and fauna found nowhere but here. What richness You have given us. May we be ever grateful for this abundance and may we leave it in such a way that those that come after us will receive the same blessings. Eternal One, as we answer Your call to serve our brothers and sisters here in Maine, help us to look at new options and to hold onto the old that works. Open our eyes and our hearts that we may know Your will for our state. Send Your spirit of wisdom upon us that we may make informed decisions. Make us away of Your unconditional love that we may be mindful of all Your children. Be with all those who work for this beloved state; Governor Baldacci and his staff, Commissioners and elected officials, those who work in offices, and those who work in the field. We ask that You bless the time of the student pages. May they learn more about state government as they serve our Senators in the process of acting as pages. Now, as we begin our work this day, remind us to be grateful for the opportunity to serve. Help us to be grateful for each new day and guide us through the challenges that, through our work here, people will know that we are Your servants and seek to do Your will. Amen.

Pledge of Allegiance led by Senator Margaret M. Craven of
Androscoggin County.

Reading of the Journal of Thursday, March 11, 2010.

Doctor of the day, Dr. Steven Wilson, MD of Morrill.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors" (EMERGENCY)
S.P. 575 L.D. 1497
(C "A" S-377)

In Senate, February 25, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-377).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-377) AS AMENDED BY HOUSE AMENDMENT "A" (H-701)** thereto, in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process
H.P. 1063 L.D. 1514

In Senate, March 4, 2010, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-713)**, in **NON-CONCURRENCE.**

On motion by Senator **PERRY** of Penobscot, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION.**

Non-Concurrent Matter

Bill "An Act To Amend the Motor Vehicle Laws"
S.P. 599 L.D. 1562
(C "A" S-391)

In Senate, March 4, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391) AND HOUSE AMENDMENT "A" (H-711), in NON-CONCURRENCE.**

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION.**

COMMUNICATIONS

The Following Communication: S.P. 736

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 15, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Land Use Regulation Commission:

Ernest B. Harvey of Greenville, reappointment
Steve Schaefer of Grand Lake Stream, reappointment
Edward Lavery of Milo, reappointment
James Nadeau of Winterville Plantation, reappointment
Rebecca Kurtz of Phillips, reappointment
Gwendolyn Hilton of Starks, reappointment
Sarah Farrand of Beaver Cove, appointment

Pursuant to Title 12 M.R.S.A. §683 these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.C. 684

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

March 10, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Dennis P. King of Freeport, for reappointment to the Maine Community College System, Board of Trustees.

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	Alfond of Cumberland, Schneider of Penobscot, Weston of Waldo
	Representatives	9	Sutherland of Chapman, Casavant of Biddeford, Finch of Fairfield, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram, Richardson of Carmel, Wagner of Lewiston
NAYS		0	
ABSENT		1	Rep. McFadden of Dennysville

Twelve 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 Dennis P. King of Freeport, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

YEAS: Senators: None

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

ABSENT: Senator: MILLS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dennis P. King** of Freeport for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 685

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

March 10, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Robert P. Clark of Fort Fairfield, for reappointment to the Maine Community College System, Board of Trustees.

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	Alfond of Cumberland, Schneider of Penobscot, Weston of Waldo
	Representatives	9	Sutherland of Chapman, Casavant of Biddeford, Finch of Fairfield, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram, Richardson of Carmel, Wagner of Lewiston
NAYS		0	
ABSENT		1	Rep. McFadden of Dennysville

Twelve 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 Robert P. Clark of Fort Fairfield, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#307)

YEAS: Senators: None

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

Representatives 9 Sutherland of Chapman, Casavant of Biddeford, Finch of Fairfield, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram, Richardson of Carmel, Wagner of Lewiston

NAYS 0

ABSENT: Senator: MILLS

ABSENT 1 Rep. McFadden of Dennysville

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert P. Clark** of Fort Fairfield for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

Twelve 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 Cynthia Phinney of Livermore Falls, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

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

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

The Following Communication: S.C. 686

READ and ORDERED PLACED ON FILE.

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

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

March 10, 2010

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

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

The Doorkeepers secured the Chamber.

Dear Madame President:

The Secretary opened the vote.

ROLL CALL (#308)

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Cynthia Phinney of Livermore Falls, for reappointment to the Maine Community College System, Board of Trustees.

YEAS: Senators: None

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:

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, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

YEAS Senators 3 Alfond of Cumberland, Schneider of Penobscot, Weston of Waldo

ABSENT: Senator: None

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Cynthia Phinney** of Livermore Falls for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 687

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

March 10, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Paul J. Mitchell of Waterville, for reappointment to the University of Maine System, Board of Trustees.

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	Alfond of Cumberland, Schneider of Penobscot, Weston of Waldo
	Representatives	8	Sutherland of Chapman, Casavant of Biddeford, Johnson of Greenville, Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram, Richardson of Carmel, Wagner of Lewiston
NAYS		0	
ABSENT		2	Rep. Finch of Fairfield, Rep. McFadden of Dennysville

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 Paul J. Mitchell of Waterville, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#309)

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, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senator: None

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Paul J. Mitchell** of Waterville for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 688

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

March 15, 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 Education and Cultural Affairs from the review and evaluation of the Maine Maritime Academy under the State Government Evaluation Act. In its review, the Committee found that the Maine Maritime Academy is operating within its statutory authority.

Sincerely,

S/Senator Justin L. Alfond
Senate Chair

S/Representative Patricia B. Sutherlund
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 689

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

March 15, 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 Education and Cultural Affairs from the review and evaluation of the University of Maine System under the State Government Evaluation Act. In its review, the Committee found that the University of Maine System is operating within its statutory authority.

Sincerely,

S/Senator Justin L. Alfond
Senate Chair

S/Representative Patricia B. Sutherlund
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 690

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

March 15, 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 Education and Cultural Affairs from the review and evaluation of the Maine Community College System under the State Government Evaluation Act. In its review, the Committee found that the Maine Community College System is operating within its statutory authority.

Sincerely,

S/Senator Justin L. Alfond
Senate Chair

S/Representative Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 691

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

March 11, 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, Maine 04333-0003

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 Insurance and Financial Services from the review and evaluation of the State Employee Health Commission under the Government Evaluation Act. In its review, the committee found that the Commission is operating very effectively within its statutory authority. The committee found that Commission has achieved the highest level of success in meeting its statutory role as trustee of the State employee health and dental plan.

As created by statute, the Commission has a unique structure as all votes of the commission are limited to one collective vote cast by all labor members and one collective vote cast by all management members. The committee found that this requirement has necessitated consensus-building among the members and contributed to the Commission's effective oversight. The Commission has become a leader in developing innovative models to contain costs, improve quality and reform payment for health care services. As a result, the health and dental plans are effectively managed within budgeted resources but continue to provide access to high-quality and affordable health care to State employees, retirees and their dependents. We commend the twenty-four Commission members and Frank Johnson, the Executive Director of the Office of Employee Health and Benefits who serves as an ex officio member of the Commission, for their achievements.

Sincerely,

S/Senator Peter B. Bowman
Senate Chair

S/Representative Sharon Anglin Treat
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 692

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

March 15, 2010

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

Dear Madam President and Madam Speaker:

Pursuant to the State Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Finance Authority of Maine. In its

review, the committee found that the Finance Authority of Maine is operating within its statutory authority.

Sincerely,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

**Pursuant to Public Law
Joint Standing Committee on Insurance and Financial
Services**

Senator BOWMAN for the **Joint Standing Committee on Insurance and Financial Services**, pursuant to Public Law, chapter 350, Part A, section 3 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform"

S.P. 735 L.D. 1819

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Resolutions

On motion by Senator **MARRACHÉ** of Kennebec (Cosponsored by Representative **STRANG BURGESS** of Cumberland and Senators: **ALFOND** of Cumberland, **BARTLETT** of Cumberland, **BLISS** of Cumberland, **BOWMAN** of York, **BRANNIGAN** of Cumberland, **BRYANT** of Oxford, **COURTNEY** of York, **CRAVEN** of Androscoggin, **DAMON** of Hancock, **DAVIS** of Cumberland, **DIAMOND** of Cumberland, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **GOOLEY** of Franklin, **HASTINGS** of Oxford, **HOBBS** of York, **JACKSON** of Aroostook,

McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo, Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LOVEJOY of Portland, MacDONALD of Boothbay, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport,

WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick), the following Joint Resolution: S.P. 734

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO MAKE EXEMPTIONS FROM THE ETHANOL FUEL PROVISIONS OF THE FEDERAL CLEAN AIR ACT OF 1990

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 members of the United States Congress as follows:

WHEREAS, federal laws and regulations, including the Clean Air Act of 1990, the Energy Policy Act of 2005 and the United States Environmental Protection Agency's renewable fuel standard program, have contributed to changes in fuel standards, such as the removal of methyl tertiary butyl ether, known as "MTBE," as an oxygenate in fuel, and have led to the use of ethanol as a replacement for MTBE in reformulated gasoline; and

WHEREAS, reformulated gasoline with 10% ethanol, known as "the E-10 blend," is available for purchase at public fuel pumps; and

WHEREAS, there are many gasoline engines, particularly those in boats, aircraft and older engines in a variety of uses, that will not function properly on the E-10 blend; and

WHEREAS, these engines, particularly boat engines, using the E-10 blend are affected by significant amounts of water becoming trapped in the fuel tank, which separates the ethanol from the reformulated gasoline and causes the engine to stall or fail; and

WHEREAS, these engines that stall or fail may lead to potentially life-threatening situations and are sometimes severely damaged and require costly repairs or replacement; and

WHEREAS, there are many gasoline engines in the State of Maine that are only used seasonally and are at great risk of damage from the E-10 blend if, as is common practice, the unused fuel is left in the tank for extended periods; and

WHEREAS, aircraft are already exempt from using the E-10 blend, as it does not function as a motor fuel at high altitudes; and

WHEREAS, due to the federal Clean Air Act of 1990 the only fuel widely available to the general public for use in boats and older engines is the E-10 blend; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the United States Congress exempt some grades of motor fuel from provisions of the Clean Air Act of 1990 requiring fuel contain 10% ethanol, in order to make a safe and effective motor fuel available to those who should not use fuel containing ethanol; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted 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.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **HOBBS** of York (Cosponsored by Representative HILL of York), the following Joint Resolution:
S.P. 737

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week 2010 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; 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, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 14-20, 2010 and confirm the basic principles of an open and accessible government in a free society and urge all citizens to join in this observance.

READ.

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

Senator **HOBBS:** Thank you, Madame President. Men and women of the Senate, a few years back at this very same time I had the privilege to stand before you as the sponsor of the Joint Resolution honoring the first National Sunshine Week. This year I am pleased to be here once again to present to you a Joint Resolution honoring Sunshine Week 2010. Sunshine Week, which is from March 14 to March 20, highlights the importance of empowering people to play an active role in their government at all levels and to give them access to information that makes their lives better and the community stronger. In fact, the Maine Legislature was the first in the nation to enact a Freedom of Access law more than four decades ago. Since then we have continued to make significant progress in recognizing the

importance of an open government and access to government records in a free society. As other countries around the world continue to model a democratic form of government after ours, we must continue to serve as a role model and show the world that government and the democratic process can be open and accessible to both the public and the press. It is with great pleasure that I stand here today to present this Joint Resolution recognizing Sunshine Week 2010. Thank you.

On motion by Senator **HOBBS** of York, **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1296 L.D. 1812

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TAXATION**.

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

REFERRED to the Committee on **TAXATION**, in concurrence.

Ought to Pass Pursuant to Public Law

The Committee on **LABOR** on Bill "An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992" (EMERGENCY)

H.P. 1299 L.D. 1815

Reported that the same **Ought to Pass**, pursuant to Public Law 2009, chapter 452, section 6.

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.

Senate

Ought to Pass Pursuant to Resolve

Senator GOODALL for the Committee on **NATURAL RESOURCES** on Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

S.P. 733 L.D. 1818

Reported that the same **Ought to Pass**, pursuant to Resolve 2009, chapter 16.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry" (EMERGENCY)

S.P. 718 L.D. 1809

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator GOODALL for the Committee on **NATURAL RESOURCES** on Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol

S.P. 674 L.D. 1760

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-410)**.

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

READ ONCE.

Committee Amendment "A" (S-410) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Reduce Noise Caused by Motorcycles and Improve Public Health"

S.P. 647 L.D. 1675

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-415)**.

Report **READ**.

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

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide Incentives for Energy Conservation through Voltage Regulation"

S.P. 676 L.D. 1762

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-416)**.

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

READ ONCE.

Committee Amendment "A" (S-416) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Kennebec Water District"

S.P. 690 L.D. 1783

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-413)**.

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

READ ONCE.

Committee Amendment "A" (S-413) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Repeal the Fee Increase for Copies of Vital Records (EMERGENCY)

S.P. 613 L.D. 1648

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
STUCKEY of Portland
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-409)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STRANG BURGESS of Cumberland

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife"

S.P. 616 L.D. 1651

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407)**.

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-408)**.

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

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

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-407)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-407)** Report.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry" S.P. 516 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-411)**.

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
RECTOR of Knox

Representatives:

KRUGER of Thomaston
MacDONALD of Boothbay
WEAVER of York
PERCY of Phippsburg
EATON of Sullivan
ADAMS of Portland

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

Signed:

Representatives:

McKANE of Newcastle
PRESCOTT of Topsham
TILTON of Harrington

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT 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 **OUGHT TO PASS AS AMENDED** Report.

SECOND READERS

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

House

Bill "An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property"

H.P. 575 L.D. 839

Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

H.P. 1256 L.D. 1766

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1257 L.D. 1767

Bill "An Act To Include All Children in the Conditions of Education Report"

H.P. 1261 L.D. 1771

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

House As Amended

Bill "An Act To Stimulate the Economy by Expanding Opportunities for Personal Assistance Workers"

H.P. 954 L.D. 1364
(C "A" H-674)

Bill "An Act To Create a Smart Grid Policy in the State" (EMERGENCY)

H.P. 1079 L.D. 1535
(C "A" H-695)

Bill "An Act To Clarify the Informed Growth Act" (EMERGENCY)

H.P. 1106 L.D. 1569
(C "A" H-654)

Bill "An Act To Provide for Equitable Sharing by Service Providers of the Costs of the Public Utilities Commission and the Office of the Public Advocate"

H.P. 1116 L.D. 1578
(C "A" H-697)

Bill "An Act To Facilitate Voting by Uniformed Service and Overseas Voters"

H.P. 1117 L.D. 1579
(C "A" H-689)

Bill "An Act To Improve the Delivery of Community Corrections Services"

H.P. 1121 L.D. 1583
(C "A" H-679)

Bill "An Act To Amend the Animal Welfare Laws"

H.P. 1125 L.D. 1587
(C "A" H-684)

Bill "An Act To Improve Access to Data in the Central Voter Registration System"

H.P. 1155 L.D. 1627
(H "A" H-687 to C "A" H-656)

Bill "An Act To Establish Biofuel and Ultra-low Sulfur Requirements for Number 2 Home Heating Oil"

H.P. 1160 L.D. 1632
(C "A" H-690)

Bill "An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities"

H.P. 1173 L.D. 1645
(C "A" H-698)

Bill "An Act To Direct the Public Utilities Commission To Adopt Rules To Improve the Safety of Multiunit Rental Dwellings"

H.P. 1196 L.D. 1695
(C "A" H-680)

Bill "An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws"

H.P. 1211 L.D. 1710
(C "A" H-682)

Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

H.P. 1225 L.D. 1726
(C "A" H-683)

Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse (EMERGENCY)

H.P. 1226 L.D. 1727
(C "A" H-696)

Bill "An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs" (EMERGENCY)

H.P. 1233 L.D. 1735
(C "A" H-691)

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

H.P. 1254 L.D. 1763
(C "A" H-694)

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

Senate

Bill "An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code" (EMERGENCY)

S.P. 578 L.D. 1500

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas"

S.P. 627 L.D. 1662
(C "A" S-402)

Bill "An Act To Improve the Seed Capital Investment Tax Credit Program"

S.P. 631 L.D. 1666
(C "A" S-404)

Bill "An Act To Protect Teacher Retirement Income"

S.P. 683 L.D. 1776
(C "A" S-405)

Bill "An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws"

S.P. 698 L.D. 1787
(C "A" S-403)

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 Facilitate Recovery Zone Facility Bonds, Recovery Zone Economic Development Bonds and Qualified Energy Conservation Bonds

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

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

H.P. 1124 L.D. 1586
(C "A" H-666)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Regarding the Maternal and Infant Death Review Panel

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

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Regulate the Transportation of Firewood

H.P. 1135 L.D. 1607
(C "A" H-667)

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

Emergency Measure

An Act To Enhance Maine's Clean Energy Opportunities
H.P. 1175 L.D. 1647
(C "A" H-675)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **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 Update and Modernize Maine's Floodplain Mapping
H.P. 1200 L.D. 1699
(C "A" H-655)

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 Extend the Temporary Reduction in High-stakes Beano License Fees

H.P. 1260 L.D. 1770
(C "A" H-671)

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 Resolve

Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine
H.P. 1054 L.D. 1505
(C "A" H-657)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Section 16, Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection

H.P. 1068 L.D. 1518
(C "A" H-651)

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.

Emergency Resolve

Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services

H.P. 1187 L.D. 1686
(C "A" H-660)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

H.P. 1241 L.D. 1744
(C "A" H-668)

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 Close Loopholes in Environmental Laws
H.P. 1082 L.D. 1538
(C "A" H-665)

An Act To Promote Opportunity for Workers in the Maine Woods
H.P. 1092 L.D. 1550

An Act Enabling Expedited Partner Therapy
H.P. 1145 L.D. 1617
(C "A" H-653)

An Act To Clarify the Status of Prisoners
H.P. 1212 L.D. 1711
(C "A" H-676)

An Act To Amend the Charter of the Gardiner Water District
H.P. 1250 L.D. 1756
(C "A" H-661)

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 Stimulate Capital Investment for Innovative Businesses in Maine

S.P. 10 L.D. 1
(C "A" S-378)

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

An Act Relating to Road Noise

H.P. 1170 L.D. 1642
(C "A" H-672)

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

Resolves

Resolve, Directing the Maine Human Rights Commission to Report on Improvements

H.P. 1081 L.D. 1537
(C "A" H-662)

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

Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process
H.P. 1136 L.D. 1608
(C "A" H-658)

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

Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules

H.P. 1194 L.D. 1693
(C "A" H-652)

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, 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 Exempt Certain Necessary School Auxiliary Buildings for New Heating Systems from Referendum Requirements" (EMERGENCY)

H.P. 1300 L.D. 1820

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

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

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

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

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

After Recess

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Implement the Recommendations of the Juvenile Justice Task Force (EMERGENCY)

H.P. 1204 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-708)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708)**.

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

READ ONCE.

Committee Amendment "A" (H-708) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Strengthen the Job Creation Through Educational Opportunity Program"

H.P. 899 L.D. 1296

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-703)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703)**.

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

READ ONCE.

Committee Amendment "A" (H-703) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 1258 L.D. 1768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-710)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710)**.

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

READ ONCE.

Committee Amendment "A" (H-710) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Further Regulate the Communications of Members of Public Bodies"
H.P. 1093 L.D. 1551

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-704)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704)**.

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

READ ONCE.

Committee Amendment "A" (H-704) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Strengthen Protection from Abuse and Protection from Harassment Laws" H.P. 1223 L.D. 1722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-705)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705)**.

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

READ ONCE.

Committee Amendment "A" (H-705) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Bill "An Act To Correct Errors and Inconsistencies in Marine Resources Laws" H.P. 1104 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-707)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707)**.

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

READ ONCE.

Committee Amendment "A" (H-707) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act To Reduce Noise Caused by Motorcycles and Improve Public Health"

S.P. 647 L.D. 1675

Report **-Ought to Pass as Amended by Committee Amendment "A" (S-415)**

Tabled - March 16, 2010, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 16, 2010, Report **READ**.)

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 PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I think that before you cast your vote on this roll call you should realize what you are voting for or against. This bill, though it has the title which is 'To Reduce The Noise Caused By Motorcycles And Improve Public Health', has been substantially amended from its original position. During the course of the public hearing it was revealed that upwards to 40%, almost half, of the motorcycles that are operating on our roads today are not inspected. That means they have not been certified to be safe. They have not been certified to be in the operable condition that a vehicle that we would expect to use on a roadway should be in. What this bill, as amended, does is simply requires that, as is in current law, all motorcycles be inspected annually and further that this inspection, notice of inspection, or verification of inspection be visible to law enforcement. The visibility was a big problem with the motorcycles owners and the riding community because how could we, in fact, require that there be a sticker with some adhesion on the back of it placed on a motorcycle. We wrestled with that for quite some time as to whether or not it should be on the left front fork of the motorcycle. Eventually the law enforcement community said it would be best if it were placed on the rear of the motorcycle in some fashion. We thought maybe we could have it placed, affixed, onto the current registration plate. The motorcycle registration plate, as some of you are aware, is a very small metal implement. There are two stickers already on that. They reveal the registration date and month. There was not a place to place this inspection sticker. We also learned though that there is an attachment that can be purchased for about \$2, maybe as much as \$3, where upon the registration plate can be affixed to it with attendant screws and then there is a little tab that protrudes to the side at the bottom of the plate and it is on that tab that this inspection sticker can be placed, thus not damaging the motorcycle, or if one wants they could simply slap it on the back of the fender. I suggested that perhaps it could be affixed to the rear of the rider's helmet but that didn't go far. This is what we have before us. It will give a law enforcement official the visible recognition that the motorcycle has its current inspection and, with its current inspection, has its baffles and mufflers so it won't make the noises that are so objectionable to some. That's where we are now. The reality is that the inspection certificates, which don't have adhesion on

them presently, has already been ordered this year, and they don't come with adhesion, so this won't happen this year if this bill is passed. This will come into effect January 1, 2012. That's what the bill is about at this particular point. I just wanted you to know before you cast your vote. Thank you, Madame President.

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

Senator **GOOLEY:** Thank you, Madame President. I did want to get up on this issue because I sat and listened to the whole debate. There are no easy answers to this problem. Motorcycle noise is a problem in every Senate district or House district. We all know it. This is not a cure-all for the problem. The problem this Summer is that we're all going to be upset about the volume of noise but this is a step in the right direction. It does make the inspection noticeable on the motorcycle. It is a step in the right direction and that was the least that we could do with this particular legislation. It's the right thing to do. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#310)

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

NAYS: Senators: COURTNEY, GERZOFSKY, MCCORMICK, PLOWMAN, SHERMAN, WESTON

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-415) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities"

S.P. 481 L.D. 1335

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-355)** (4 members)

Tabled - January 28, 2010, by Senator **PERRY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, January 28, 2010, Reports **READ**.)

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I want to tell you briefly about this bill and this issue. This is 'An Act To Exempt From Sale Tax Meals Provided At Retirement Facilities'. It is an issue that came before us last year. I happen to be the sponsor bill as well. It's one of these stories that you hear about all the time. Can you believe that the State of Maine is going after these people and that the State of Maine has decided to make these types of meals taxable? We hear that several times a year. The issue is everything is sales taxable unless it's exempt. When the law was written that made exemptions to the prepared meals tax, such as hospitals, schools, and nursing homes, there weren't any of these assisted living facilities so it was never contemplated. In the normal course of business Maine Revenue Services would audit these types of facilities. There was no exemption for them. Albeit, most of these facilities are high end with very high rents and very nice places, that is not the issue. It didn't seem right to charge a sales tax on prepared meals that is part of your rent and provided as a service within your home. It is different than a nursing home or hospital. The Taxation Committee, I think, voted unanimously last year that these places ought to be exempt. The issue is, as you all know, when you make these kinds of changes they need to be paid for within our balanced budget. In the middle of this economic crisis the fiscal note was something we could not manage as a stand-alone bill. Not giving up on the idea, we included it in the Comprehensive Tax Reform Package that we passed last year. In fact, these meals should be, should have been, exempt as of January 1st of this year. As we have learned time and time and time again with initiatives that are on the ballot, it ties our hands to do any work around here if what we are trying to do in any way conflicts with what's in an existing initiative. That's the situation we find ourselves in now. We have repealed this tax. Ultimately it will be up to the voters. Should they want to reject tax reform they will be rejecting this exemption for these facilities along with all sorts of other tax changes and burden reductions that are in them. At this point we've been advised by the Attorney General's Office that this would be a significant conflict and it's just something we can't pass right now. I have mixed feelings about that as well because it was my bill and I know we fixed it. I just hope to see that ultimately keep this

fixed with a rejection of the repeal of tax reform because I can tell you we couldn't come up with the money to do this as a stand-alone last year and we all know the next biennial budget is going to be far worse. If it's rejected I don't see this issue going away for many years. Thank you.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I think the Senate Chair of the Taxation Committee did a wonderful job explaining the situation.

Obviously, for those of us who are in favor of repeal of tax reform, this is hanging like a hanging chad out there. This gives us, today, the opportunity to vote again to reaffirm what we did last year, collectively, unanimously, and support this tax exemption. At the same time we could probably move forward. The Senate Chair is correct. This is a conflict with the referendum repeal which is now facing the voters in June. Just to move this forward, Madame President, I would just ask for a roll call.

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

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I do think it's important to go on the record a little bit around this issue because when I was working on the other initiative there was no one that did not support this concept that is in this bill, including our Executive who, when I came out and said that I supported this exemption, also did as well. I think that given this is has been a unanimous report in the past that it is something that is a priority for everyone. I think it is important to cast a vote on this just to show that it is a position that we all support. Whatever happens with that initiative in the future let the chips fall where they may but I think we should revisit this and fix this in the future. I think this is a good and important time to make that point clear.

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

Senator **BARTLETT:** Thank you, Madame President. I do think that this is an issue that we all support and many of us have supported in the past. I was certainly honored to have this wrapped into that Comprehensive Tax Reform bill that we passed last session and am certainly optimistic that this will survive through June. That's how you deal with this. It's already in law but it's been suspended. The question is; how do we get this law moving forward? To me, that is the best approach. If we were to pass this it would then bring up maybe 20 or 30 items that we liked out of that tax reform bill and we could pass them one by one. That just doesn't seem like a good way to run a railroad. I think our best approach is to focus on that issue in June rather than passing this bill. With that said, I do request to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BARTLETT:** Thank you, Madame President. If this were to pass and was to be moved forward to the Appropriations Committee how would this be funded?

THE PRESIDENT: The Senator from Cumberland, Senator Bartlett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. I think the way we could fund it is just like we fund all the programs in government. We prioritize and then we decide what gets funded and what doesn't. I do think I need to bring one more point to this debate that I think is very important. It would be a very important message from us to the Maine Revenue Services. I think the reason why this was important and why there was action taken on it during the interim was because Maine Revenue Services indicates that they were moving forward with a number of audits on these facilities. These facilities felt it would be important for the legislature to take a position. I believe the Executive did that and those audits have been put on hold. This would reinforce that position that the legislature thinks that this is a priority and it would encourage Maine Revenue Services to back off.

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

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, I like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **DIAMOND:** Thank you, Madame President. What is the fiscal note? What are we talking about if, for example, we pass this today and for some reason the bill in June, the referendum, does not pass. How much is that?

THE PRESIDENT: The Senator from Cumberland, Senator Diamond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President. I don't have a copy of the fiscal note with me. It was in the millions. What I know is that before we had to take on this exercise of cutting some \$300 million to \$400 million additional dollars out of this budget that we are currently working on we could not afford it when we passed this initial biannual budget. To think that we could afford it now, and give it any consideration, is not realistic. You have to go back to square one. On the Taxation Committee we are more into substance than messages. The substance is that we can't do this. The Attorney General has made it clear. We can't do this. This is nice political theater and a nice argument for us to play out here. We have to kill this bill and it is as simple as that. If tax reform is reaffirmed at the polls we have done our job. If it isn't we can take it up again next year but I don't see the prospects of this stand-alone any better next year with a worse budget situation than we currently have. Thank you.

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

Senator **DIAMOND**: Thank you, Madame President. Ladies and gentlemen of the Senate, with this issue the problem is if we find ourselves in the scenario where we pass this today and the issue in June on the ballot fails the Appropriations Committee and the legislature and the State will have a pretty significant problem, as I see it, from a financial point of view in that the budget would have been closed and if it's in the millions than that is an issue we cannot ignore. Even if it was in the thousands. I'll tell you that the change package number three that we got from the Governor, if we follow that through and restoring all the items, we had \$89,000 left. That number will change up and down, but I just see us in a little bit of a predicament here if we, in fact, pass this today. If it doesn't happen in June, that fails, then we'll have a problem with the budget being considerably out of sync.

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

Senator **PLOWMAN**: Thank you, Madame President. Men and women of the Senate, I would point out to you that we already have seven bills that have been passed by both Bodies and sent down for funding on the Special Appropriations Table. I would have liked to have seen this pattern develop before bill one landed there. Unfortunately, the pattern has set and so that would be my first comment. Second, we received the same briefing from the Attorney General's Office in the Legal and Veterans Affairs Committee. While there are items on the ballot to be considered, there are provisions that if the legislature finds a state of emergency, or it can muster the two-thirds, there is an avenue and that the Constitution never meant for the legislature to be reined in to this extent. While we have the opinion, the whole opinion is that it may go forward with those provisions. Thank you.

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

Senator **BARTLETT**: Thank you, Madame President. Our Constitution allows for a specific process called the Citizens Veto that we are all well aware of and that the tax reform package that was passed last year is now the subject of. Thousands of signatures have been raised, lead by the Chair of the Republican Party, to put this issue squarely before voters. That was the right of everybody involved in that do, to go gather the signatures to put it on the ballot. Once that is done the right of the voters to have their say on that initiative is sacred. What we are talking about here is meddling in that process. Saying that we are going to start picking that apart and passing it one at a time could, potentially, influence that vote. If there is one thing that our Constitution has made clear is the right of the voters to have the last word is sacred. If we're going to support and defend the citizen's veto, and the right of our people to have it, then we have an obligation to respect that process, to let that process unfold, and then deal with the consequences, what ever they may be. Thank you, Madame President.

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

Senator **COURTNEY**: Thank you, Madame President. Men and women of the Senate, I just got a little information on the fiscal

note. It's a little bit more than \$500,000 a year. It certainly is a substantial fiscal note. However, I would just echo the comments from the Senator from Penobscot. There is a provision for the legislature to change this now. We have the right. In the Constitution the legislature is not supposed to give up their right for taxation. I think it's a legitimate request. I would encourage all of you to join us over here and pass this out with two-thirds. Let's send it out and let's get this fixed so that people in the nursing homes don't have to pay the sales tax on their meals for the rest of the year. Let's do it now. Let's git-r-done.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you, Madame President. I have a legitimate question that I would like to pose through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **JACKSON**: Thank you, Madame President. I'm curious, if we were to pass this today and then at the ballot the citizens of Maine ended up rejecting the citizen's initiative, what position would be in then? If the legislature enacted it and then the citizens voted it down?

THE PRESIDENT: The Senator from Aroostook, Senator Jackson poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Senator **DIAMOND** of Cumberland.

Senator **DIAMOND**: Thank you, Madame President. I'm seeking a legitimate answer here. The answer to that question is we would be that much out of sync with the budget. We would be in deficit mode if we, this legislature, passed a bill today without funding it and then the people of the state of Maine vote against the June ballot. That's the answer. We not have a budget that is balanced.

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

Senator **SULLIVAN**: Thank you, Madame President. I request permission to pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN**: Thank you, Madame President. I'm just curious, if indeed we pass this and then the initiative is voted down, will we then have to come into special session to put us back put us back into a balanced budget, in sync?

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

Senator **NASS**: Thank you, Madame President. Ladies and gentlemen of the Senate, obviously those of us on the Taxation Committee have entertained all of these alternatives that we've talked about today about what to do with this. That's why these two, this one and the one above it, have been on the table for so long. Apparently now there is an initiative to take them off the

table. I'm not sure if anybody has answers to all of these questions. As to the budget piece, if it creates a hole in the budget or where is the money going to come from, there is an answer to that, I believe. On Thursday it was my pleasure to be down in the Appropriations Committee when the Administration released a whole list of reductions in cutbacks, I guess. \$94 million. There are a couple of things on this list that I'd be happy to throw into the bin on the possibility that this would pass. I'm looking at the fiscal note. It's about \$500,000, as was suggested. I could see on this list, down towards the bottom, the University of Maine System debt service. It's \$470,000. That just about gets us there. What is the problem, Madame President? We can set that money aside. Apparently it's available, although it hasn't been passed by Congress yet and signed by the President. Apparently it's available. Let's use that. It's right here. There are other things on this list that I'm sure we could throw into that breach. I'd be happy to support that effort. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. I would request permission to pose a question through Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you, Madame President. I will again ask, whether we make those trade-offs now or don't, if everything stands and we pass this bill and the referendum is turned down, when we are in a deficit have we broken the Constitution and do we need to come back to balance the budget? I think it's a simple yes or no. I just don't know whether we would need a special session or not and I'd just like a real easy answer. Not how to fix it. If we vote on what's in front of us are we out of sync and does the Constitution require that we come back and make a balanced budget?

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, it is my understanding that if we pass this bill and it goes to the Appropriations Table and you all join us in funding it, and then it is funded. Then in June if the voters decide, for some crazy reason, to repeal the largest sales tax expansion in the history of the state of Maine, then there would be extra money and we would, at some point, have to come back together and repeal this provision again.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Perry to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#311)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/2/10) Assigned matter:

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)

Tabled - March 2, 2010, by Senator **HOBBS** of York

Pending - **ENACTMENT**, in concurrence

(In House, February 25, 2010, **PASSED TO BE ENACTED**.)

(In Senate, February 18, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-372)**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-372)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-372).

On further motion by same Senator, Senate Amendment "A" (S-414) to Committee Amendment "A" (S-372) **READ** and **ADOPTED**.

Committee Amendment "A" (S-372) as Amended by Senate Amendment "A" (S-414) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-372) AS AMENDED BY SENATE AMENDMENT "A" (S-414) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Wednesday, March 17, 2010, at 10:00 in the morning.