

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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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  
Wednesday  
March 17, 2010

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

Prayer by Reverend Philip M. Tracy, Retired of South Portland.

**REVEREND TRACY:** Father, we thank You for all of Your gifts and blessings in life; those that You have given to us individually and those that You have given to our state and nation. We thank You for being able to live in freedom in the United States and we thank You for the beauty of our state of Maine, a place where life is the way it should be. We ask You to bless these assembled legislators of our state. Many pathways have led them to their positions. May they be united in their care and concern for the people of Maine and may they always strive in their many deliberations to work for the well-being of all the people of this state. We ask this in Your name. Amen.

Posting of the Colors by Franco American War Veterans, Post 31,  
Lewiston.

Melanie Saucier of Fort Kent will perform the National Anthems of  
the United States, France and Canada.

Pledge of Allegiance led by Senator Lisa T. Marraché of  
Kennebec County.

Reading of the Journal of Tuesday, March 16, 2010.

Doctor of the day, Dr. Brannon Claytor, MD of Falmouth.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the Somerset County Budget Procedure" (EMERGENCY)

H.P. 1061 L.D. 1512  
(C "B" H-640)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-639)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-640)** (2 members)

In House, February 23, 2010, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**.

In Senate, March 11, 2010, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-640)** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-640)**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

**COMMUNICATIONS**

The Following Communication: S.P. 739

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

March 15, 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 withdrawn the nomination of Glenn Lamarr of Fort Kent for reappointment to the Finance Authority of Maine.

Pursuant to Title 3 M.R.S.A. §154, this nomination is currently pending before the Joint Standing Committee on Business, Research and Economic Development.

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.P. 740

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

March 16, 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 withdrawn  
the nomination of David W. King for appointment to the Loring  
Development Authority.

Pursuant to Title 3 M.R.S.A. §154, this nomination is currently  
pending before the Joint Standing Committee on Business,  
Research and Economic Development.

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. 694

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

March 11, 2010

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

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that  
the Joint Standing Committee on Natural Resources has voted  
unanimously to report the following bills out "Ought Not to Pass":

L.D. 1793 An Act To Stabilize Funding for Hazardous  
Material Emergency Response by the  
Department of Environmental Protection and  
Enhance Response Efforts of the Maine  
Emergency Management Agency

L.D. 1794 An Act Regarding Solid Waste Facilities

L.D. 1797 An Act Regarding Planning for the  
Management of Solid Waste

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

Sincerely,

S/Sen. Seth A. Goodall  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

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**ORDERS**

**Joint Resolution**

On motion by Senator **CRAVEN** of Androscoggin (Cosponsored  
by Representative **CONNOR** of Kennebunk and Senators:  
**ALFOND** of Cumberland, **BARTLETT** of Cumberland, **BLISS** of  
Cumberland, **BOWMAN** of York, **BRANNIGAN** of Cumberland,  
**BRYANT** of Oxford, **COURTNEY** of York, **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, **MARRACHÉ** of Kennebec, **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, 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, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, 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, STRANG BURGESS of Cumberland, 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. 738

**JOINT RESOLUTION IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION OF THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES**

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, four signers of the Declaration of Independence were Irish-born and nine signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; 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 encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

**READ.**

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

Senator **CRAVEN**: Thank you, Madame President. Men and women of the Senate, today is St. Patrick's Day and I wish all of you a happy St. Patrick's Day. Because the Irish believe that everybody wants to be Irish on St. Patrick's Day we have opened our arms wide and included our Franco friends and neighbors and constituents today to join with us and celebrate their heritage as well. We are delighted to be able to share because apparently there was a day when we weren't so generous. I welcome the opportunity for everybody to have great fun and celebrate their very own heritage and to be proud of who they are and where they came from. Happy St. Patrick's Day.

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

Senator **JACKSON**: Thank you, Madame President. Ladies and gentlemen of the Senate, I too want to rise and say how happy I am that it is St. Patrick's Day along with Franco-American Day along with the Senator from Androscoggin, Senator Craven. My grandmother's a Pelletier and my grandfather is an O'Leary. They were more than willing to celebrate, obviously. I'm really thankful for that. My grandfather passed away eight years ago this month. He was one of the best men I ever knew. I'm just happy to be of both heritages. It is a great day for both today. Thank you.

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

Senator **DAVIS**: Thank you, Madame President. I bought this Irish flag a couple of days ago. Green is for the Catholics and the orange is for the Protestants. If they can get along then perhaps Democrats and Republicans can get along. Thank you and happy St. Patrick's Day.

On motion by Senator **CRAVEN** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Document Fees at County Registries of Deeds"

H.P. 1096 L.D. 1554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-669)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)**.

Report **READ**.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Oversight of Pharmaceutical Purchasing"

H.P. 940 L.D. 1339

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-693)**.

Signed:

Senator:

**BRANNIGAN** of Cumberland

Representatives:

- PERRY** of Calais
- PETERSON** of Rumford
- JONES** of Mount Vernon
- SANBORN** of Gorham
- CAMPBELL** of Newfield
- STUCKEY** of Portland
- EVES** of North Berwick

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

Signed:

Senators:

- MARRACHÉ** of Kennebec
- MILLS** of Somerset

Representatives:

- JOY** of Crystal
- LEWIN** of Eliot
- STRANG BURGESS** of Cumberland

(Representative **SOCTOMAH** of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended Report**.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**.

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED Report**, in concurrence.

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, in concurrence.

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Make Corrections to the Life Settlement Laws"

H.P. 1073 L.D. 1523

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

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  
WEAVER of York

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

BECK of Waterville  
FOSSEL of Alna  
RICHARDSON of Warren

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

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Health Care Consumers from Catastrophic Debt"

H.P. 1148 L.D. 1620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-664)**.

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

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

WEAVER of York  
FOSSEL of Alna  
RICHARDSON of Warren

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Strengthen the Laws against Illegal 'Puppy Mill' Operators"  
S.P. 605 L.D. 1598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-419).**

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

**READ ONCE.**

Committee Amendment "A" (S-419) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify Safety Requirements in Acadia National Park"

S.P. 666 L.D. 1737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-424).**

Signed:

Senator:  
DAVIS of Cumberland

Representatives:  
HANLEY of Gardiner  
LAJOIE of Lewiston  
GREELEY of Levant  
PLUMMER of Windham  
BURNS of Whiting  
SYKES of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-425).**

Signed:

Senators:  
GERZOFKY of Cumberland  
NUTTING of Androscoggin

Representatives:  
HASKELL of Portland  
SCHATZ of Blue Hill  
MAGNAN of Stockton Springs  
WHEELER of Kittery

Reports **READ**.

Senator **GERZOFKY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-425)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-425)** Report.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District"

S.P. 670 L.D. 1747

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

Signed:

Senators:  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:  
SUTHERLAND of Chapman  
FINCH of Fairfield  
LOVEJOY of Portland  
RICHARDSON of Carmel  
McFADDEN of Dennysville  
JOHNSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-422).**

Signed:

Senator:  
ALFOND of Cumberland

Representatives:  
CASAVANT of Biddeford  
WAGNER of Lewiston  
NELSON of Falmouth  
RANKIN of Hiram

Reports **READ**.

On motion by Senator **ALFOND** 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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Adopt the Common Core State Standards Initiative" (EMERGENCY)

S.P. 705 L.D. 1800



Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-423)**.

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

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

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

Signed:

Representative:

FINCH of Fairfield

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **ALFOND** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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#### Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Electronic Registration of Big Game Animals" (EMERGENCY)

S.P. 656 L.D. 1723

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

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
CRAFTS of Lisbon  
SAVIELLO of Wilton  
SARTY of Denmark  
McLEOD of Lee  
SHAW of Standish

BRIGGS of Mexico  
EBERLE of South Portland  
DAVIS of Sangerville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-421)**.

Signed:

Senator:

BRYANT of Oxford

Representative:

WHEELER of Kittery

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-421)** Report.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-421)** Report. (Roll Call Ordered)

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#### Divided Report

Ten members of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle"

S.P. 645 L.D. 1673

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417)**.

Signed:

Senators:

BOWMAN of York  
ALFOND of Cumberland

Representatives:

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

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Representatives:

BEAUDOIN of Biddeford  
RICHARDSON of Warren

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-418)**.

Signed:

Senator:

McCORMICK of Kennebec

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

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**SECOND READERS**

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

**House**

Bill "An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992" (EMERGENCY)  
H.P. 1299 L.D. 1815

**READ A SECOND TIME.**

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

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**House As Amended**

Bill "An Act To Strengthen the Job Creation Through Educational Opportunity Program"

H.P. 899 L.D. 1296  
(C "A" H-703)

Bill "An Act To Further Regulate the Communications of Members of Public Bodies"

H.P. 1093 L.D. 1551  
(C "A" H-704)

Bill "An Act To Correct Errors and Inconsistencies in Marine Resources Laws"

H.P. 1104 L.D. 1567  
(C "A" H-707)

Resolve, To Implement the Recommendations of the Juvenile Justice Task Force (EMERGENCY)

H.P. 1204 L.D. 1703  
(C "A" H-708)

Bill "An Act To Strengthen Protection from Abuse and Protection from Harassment Laws"

H.P. 1223 L.D. 1722  
(C "A" H-705)

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  
(C "A" H-710)

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

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**Senate**

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

Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

S.P. 733 L.D. 1818

**READ A SECOND TIME and PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Reduce Noise Caused by Motorcycles and Improve Public Health"

S.P. 647 L.D. 1675  
(C "A" S-415)

Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol

S.P. 674 L.D. 1760  
(C "A" S-410)

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

S.P. 676 L.D. 1762  
(C "A" S-416)

Bill "An Act To Amend the Charter of the Kennebec Water District"

S.P. 690 L.D. 1783  
(C "A" S-413)

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

H.P. 1243 L.D. 1749

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1301

**RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS**

**Considérant que**, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

**Considérant que**, Acadiens français était parmi les premiers Européens à habiter en Amérique du Nord, et ils ont laissé un héritage culturel important dans le Maine; et

**Considérant que**, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

**Considérant que**, le français est la première langue de milliers de citoyens du Maine; et

**Considérant que**, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

**Considérant que**, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone au Capitole de l'État; et

**Considérant que**, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'État; et

**Considérant que**, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

**Considérant que**, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, au Capitole de l'État; maintenant, alors, qu'il soit

**Résolu**, que nous, les membres de la Cent-Vingt-quatrième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 17 mars, 2010 est le Jour Franco-Américain, soit célébré au Capitole de l'État; et qu'il soit aussi

**Résolu**, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

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**JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France, and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, French Acadians were some of the earliest Europeans to inhabit North America and they have left an important cultural legacy in Maine; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State, and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; 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, proclaim that Wednesday, March 17, 2010 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

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

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

**THE PRESIDENT:** The Chair is pleased to recognize the dignitaries in the rear of the chamber who are being recognized by this Resolution. We are so pleased to have them in the rear of the chamber and will ask them to stand as I call their name. Ambassador Moussa-Makan Camara, Permanent Representative to the United Nations of the International Organization of La Francophonie. Mr. Christophe Guilhou, Consul General of France in Boston. Mr. Neil Leblanc, Consul General of Canada in Boston. Ms. France Dionne, Quebec Delegate to New England and President of the 2010 Francophonie Committee in New England. Mr. Michel Robitaille, CEP of the Centre de la Francophonie des Amériques, based in Quebec City. Would you please all stand and accept the greetings and the welcome of the Maine Senate.

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

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Senator **McCORMICK** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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#### Acts

An Act To Protect Confidential Consumer Records in Self-service Storage Facilities

S.P. 577 L.D. 1499  
(C "A" S-389)

An Act To Ensure Search and Rescue Dogs Are Afforded Access to Public Accommodations without an Extra Charge

S.P. 584 L.D. 1519  
(C "A" S-387)

An Act To Amend the Election Laws and Other Related Laws

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

An Act To Protect Maine Citizens' Credit

S.P. 648 L.D. 1676  
(C "A" S-392)

An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers

S.P. 655 L.D. 1683  
(C "A" S-396)

An Act To Create a Commercial Pelagic and Anadromous Fishing License and Establish the Pelagic and Anadromous Fisheries Fund

S.P. 657 L.D. 1724  
(C "A" S-393)

An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources

S.P. 681 L.D. 1775  
(C "A" S-394)

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act  
H.P. 1293 L.D. 1806  
(H "A" H-686)

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

An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay

H.P. 1154 L.D. 1626  
(C "A" H-648)

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

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**Resolve**

Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs  
H.P. 1195 L.D. 1694

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

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Off Record Remarks

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Senate at Ease.

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Senate called to order by the President.

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

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

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

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On motion by Senator **BARTLETT** of Cumberland,

**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (3/9/10) Assigned matter:

An Act Concerning the National Animal Identification System  
H.P. 857 L.D. 1238  
(C "A" H-641)

Tabled - March 9, 2010, by Senator **RAYE** of Washington

Pending - **ENACTMENT**, in concurrence

(In House, March 4, 2010, **PASSED TO BE ENACTED**.)

(In Senate, March 2, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641)**, in concurrence.)

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

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

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On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, March 18, 2010, at 10:00 in the morning.