

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

Pages 1209 - 1846

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

In Senate Chamber
Thursday
March 18, 2010

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

Prayer by Reverend Ned S. Crockett, Centenary United Methodist
Church of Skowhegan.

REVEREND CROCKETT: Let us pray. Eternal and loving God,
who has entrusted us with the care of this great land and all it
contains, grant to us Your wisdom, that we may always prove
worthy of this trust, that we remain faithful to Your will. As we
draw close to the season of Spring and the beauty of its rebirth
into new life let us be reminded of the many blessing we all have
in living in such a beautiful state and nation. May our lives reflect
the beauty of Your love with honest business, sound learning, and
respect for all people. Save us violence, discord, and confusion;
from arrogance and greed and from those things that cause
others to be left in the margins of society. Defend our individual
freedoms and bring us together for the purpose of the common
good. Today, as you gather for important work, I ask that a spirit
of wisdom, peace, and justice be with each and every one of you
gathered here today. May the laws and work created here today
bring glory to our God and peace, justice, and joy to our state,
country, and world. Lord, in times of plenty fill our hearts with
thankfulness and in times of need strengthen our trust in Your
greater power. All this we ask in Your holy name. Amen.

Reading of the Journal of Wednesday, March 17, 2010.

Doctor of the day, Dr. Elisabeth Fowlie-Mock, MD, MPH, FAFAP
of Holden.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **BARTLETT** of Cumberland, the following Joint Order:
S.P. 741

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Monday, March 22, 2010. The House
will convene at 9:00 and the Senate at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 695

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

March 16, 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 Business, Research & Economic Development has had under
consideration the nomination of John A. Sevigny of Portland, for
appointment to the Finance Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick

NAYS 0

ABSENT 1 Rep. Prescott of Topsham

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 John A. Sevigny of Portland, for appointment to
the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#312)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, DIAMOND, SMITH

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators 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 **John A. Sevigny** of Portland for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 696

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Rosaire Pelletier of Madawaska, for appointment to the Finance Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		1	Rep. Prescott of Topsham

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 Rosaire Pelletier of Madawaska, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 697

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Shepard Lee of Cape Elizabeth, for appointment to the Finance Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		1	Rep. Prescott of Topsham

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 Shepard Lee of Cape Elizabeth, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

NOMINATION - of Rosaire Pelletier of Madawaska for appointment to the Finance Authority of Maine

Tabled - March 18, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 18, 2010, Communication (S.C. 696) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#313)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Rosaire Pelletier** of Madawaska for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

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

NOMINATION - of Shepard Lee of Cape Elizabeth for appointment to the Finance Authority of Maine

Tabled - March 18, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 18, 2010, Communication (S.C. 697) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, READ and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#314)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 Shepard Lee of Cape Elizabeth for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 698

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Evelyn Silver of Bangor, for appointment to the Finance Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		1	Rep. Prescott of Topsham

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 Evelyn Silver of Bangor, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#315)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Evelyn Silver** of Bangor for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 699

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Reis Hagerman of Scarborough, for appointment to the Finance Authority of Maine.

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 Schneider of Penobscot,
Rector of Knox, Sullivan of
York

Representatives 9 Smith of Monmouth, Austin of
Gray, Cleary of Houlton,
Cohen of Portland, Giles of
Belfast, Hunt of Buxton,
MacDonald of Boothbay,
Martin of Orono, Wright of
Berwick

NAYS 0

ABSENT 1 Rep. Prescott of Topsham

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 Reis Hagerman of Scarborough, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#316)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Reis Hagerman** of Scarborough for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 700

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Michael M. Mahoney of Cape Elizabeth, for reappointment to the Finance Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		1	Rep. Prescott of Topsham

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 Michael M. Mahoney of Cape Elizabeth, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#317)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Michael M. Mahoney** of Cape Elizabeth for reappointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 701

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

March 16, 2010

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

ROLL CALL (#318)

YEAS: Senators: None

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

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 Business, Research & Economic Development has had under consideration the nomination of Richard J. Ezzy of Caribou, for appointment to the Loring Development Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Prescott of Topsham, Wright of Berwick

NAYS 0

ABSENT 1 Rep. Giles of Belfast

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 Richard J. Ezzy of Caribou, for appointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
 Senate Chair

S/Nancy E. Smith
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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.

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Richard J. Ezzy** of Caribou for appointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 702

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Thomas Clowes of Stockholm, for appointment to the Loring Development Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
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Representatives 9 Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Prescott of Topsham, Wright of Berwick

NAYS 0

ABSENT 1 Rep. Giles of Belfast

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 Thomas Clowes of Stockholm, for appointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#319)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Thomas Clowes** of Stockholm for appointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 703

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Sarah Frost Doscinski of Temple, for appointment to the Maine Rural Development Authority.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	8	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Wright of Berwick
NAYS		0	
ABSENT		2	Rep. Martin of Orono, Rep. Prescott of Topsham

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 Sarah Frost Doscinski of Temple, for appointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#320)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Sarah Frost Doscinski** of Temple for appointment to the Maine Rural Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 704

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

March 16, 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 Business, Research & Economic Development has had under consideration the nomination of Mark P. Samson of Auburn, for appointment to the Maine State Housing Authority.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	9	Smith of Monmouth, Austin of Gray, Cleary of Houlton, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		1	Rep. Prescott of Topsham

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 Mark P. Samson of Auburn, for appointment to the Maine State Housing Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#321)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Mark P. Samson** of Auburn for appointment to the Maine State Housing Authority was **CONFIRMED**.

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

The Following Communication: S.C. 705

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

March 16, 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 State and Local Government has had under consideration the nomination of Rebecca A. Grant of Hallowell, for appointment to the State Civil Service Appeals Board.

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 Simpson of Androscoggin,
Courtney of York, Jackson of
Arroostook

Representatives 8 Beaudette of Biddeford,
Boland of Sanford, Celli of
Brewer, Clark of Easton,
Cotta of China, Harvell of
Farmington, Kaenrath of
South Portland, Schatz of
Blue Hill

NAYS 0

ABSENT 2 Rep. Hayes of Buckfield,
Rep. Willette of Presque Isle

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 Rebecca A. Grant of Hallowell, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Deborah L. Simpson
Senate Chair

S/Stephen R. Beaudette
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#322)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Rebecca A. Grant** of Hallowell for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 706

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

March 16, 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 State and Local Government has had under consideration the nomination of Tracy B. Bigney of Bangor, for appointment to the State Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Simpson of Androscoggin, Courtney of York
	Representatives	8	Beaudette of Biddeford, Boland of Sanford, Celli of Brewer, Clark of Easton, Cotta of China, Harvell of Farmington, Kaenrath of South Portland, Schatz of Blue Hill
NAYS		0	
ABSENT		3	Rep. Hayes of Buckfield, Sen. Jackson of Aroostook, Rep. Willette of Presque Isle

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Tracy B. Bigney of Bangor, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Deborah L. Simpson
Senate Chair

S/Stephen R. Beaudette
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#323)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Tracy B. Bigney** of Bangor for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 707

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

March 16, 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 State and Local Government has had under consideration the nomination of Edward F. Gorham of Randolph, for appointment to the State Civil Service Appeals Board.

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	Simpson of Androscoggin, Courtney of York, Jackson of Aroostook
	Representatives	6	Beaudette of Biddeford, Boland of Sanford, Clark of Easton, Cotta of China, Kaenrath of South Portland, Schatz of Blue Hill
NAYS	Senators	0	
	Representatives	1	Harvell of Farmington
ABSENT		3	Rep. Celli of Brewer, Rep. Hayes of Buckfield, Rep. Willette of Presque Isle

Nine members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Edward F. Gorham of Randolph, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Deborah L. Simpson
Senate Chair

S/Stephen R. Beaudette
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#324)

YEAS: Senators: NASS, PLOWMAN, SHERMAN

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

ABSENT: Senators: BRYANT, SMITH

3 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 2 Senators being absent, and 3 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 **Edward F. Gorham** of Randolph for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 708

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

March 16, 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 State and Local Government has had under consideration the nomination of Jane L. Gilbert of Augusta, for appointment to the State Civil Service Appeals Board.

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	Simpson of Androscoggin, Courtney of York, Jackson of Aroostook
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Representatives 7 Beaudette of Biddeford, Boland of Sanford, Clark of Easton, Cotta of China, Harvell of Farmington, Kaenrath of South Portland, Schatz of Blue Hill

NAYS 0

ABSENT 3 Rep. Celli of Brewer, Rep. Hayes of Buckfield, Rep. Willette of Presque Isle

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jane L. Gilbert of Augusta, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Deborah L. Simpson
Senate Chair

S/Stephen R. Beaudette
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#325)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Jane L. Gilbert** of Augusta for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 709

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

March 16, 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 Transportation has had under consideration the nomination of John E. Dority of Augusta, for appointment to the Maine Turnpike Authority.

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	Damon of Hancock, Gooley of Franklin, Perry of Penobscot
	Representatives	9	Mazurek of Rockland, Browne of Vassalboro, Carey of Lewiston, Cebra of Naples, Harlow of Portland, Hogan of Old Orchard Beach, Peoples of Westbrook, Rosen of Bucksport, Thomas of Ripley
NAYS		0	
ABSENT		1	Rep. Theriault of Madawaska

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 John E. Dority of Augusta, for appointment to the Maine Turnpike Authority be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Edward J. Mazurek
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** 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 (#326)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, SMITH

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **John E. Dority** of Augusta for appointment to the Maine Turnpike Authority was **CONFIRMED**.

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

The following members of the York High School Golf Team, who won the 2009 Class B State Championship: Matt Campbell, Senior; Aaron Bailey, Senior; Craig Decato, Sophomore; Andrew Campbell, Junior; Devin Merritt, Junior; Peter Carley, Freshman; Tanner Chase, Senior; Luke Clafin, Freshman; Corey Decato, Senior; Andrew LaMonica, Freshman; Evan McElwain, Freshman; Hayden Pate, Freshman; Alex Shaw, Senior; and Coach Steve Freeman. We extend our congratulations to the members of the team on their winning this championship, and we send them our best wishes;

SLS 392

Sponsored by Senator BOWMAN of York.
Cosponsored by Representatives: HILL of York, WEAVER of York.

READ.

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

Senator **BOWMAN:** Thank you, Madame President. Others of my colleagues may be able to introduce single sports and boast about those bragging rights and everything but I have the privilege of representing, among others, York High School. York High School is an all-sport powerhouse group and they are very polished academically also. I just want to congratulate, this time around, the York High School Golf Team. The girl's basketball, I understand, is not too shabby either so they may be up here at a later time although time is drawing to a close for this session. I want to advise the team that there are two outstanding golfers in the Senate. We don't take golf lightly. We have one former State Individual Golf Champion, the Senator from Sagadahoc, Senator Goodall. I understand in a recent head-to-head match play that the Senator from Cumberland, Senator Alford, who left the state, of course he returned but he left the state before he could be the Individual Champion, apparently defeated the former Individual State Champion recently. I think it's an open secret. We may not have heard the end of that story, but just know that we don't take golf lightly. I really congratulate you for an outstanding job. Well done.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Class B State Champions: Aaron Bailey, Andrew Campbell, Craig Decato, Matt Campbell, Devin Merritt, with their Coach Steve Freeman. Please stand and accept the congratulations of the Maine Senate.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Certificate of Need Act of 2002 Concerning Right of Entry and Investigation"
H.P. 1129 L.D. 1591

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-720)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**.

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

READ ONCE.

Committee Amendment "A" (H-720) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Extend Access to Federal Health Insurance Premium Assistance" (EMERGENCY)
H.P. 1259 L.D. 1769

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-722)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722)**.

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

READ ONCE.

Committee Amendment "A" (H-722) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses"
H.P. 999 L.D. 1423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-712)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712)**.

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

READ ONCE.

Committee Amendment "A" (H-712) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Resolve, To Review Sales of Dairy Products

H.P. 1249 L.D. 1755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-716)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716)**.

Report **READ**.

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

The Committee on **JUDICIARY** on Bill "An Act To Improve Tribal-State Relations"

H.P. 333 L.D. 445

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-714)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-714)**.

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

READ ONCE.

Committee Amendment "B" (H-714) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Prohibit Predispute Mandatory Binding Arbitration Clauses in Consumer Contracts"

H.P. 875 L.D. 1256

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-715)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715)**.

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

READ ONCE.

Committee Amendment "A" (H-715) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs"
H.P. 1167 L.D. 1639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Silver Alert Program"

H.P. 1138 L.D. 1610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-709)**.

Signed:

Senators:
GERZOFKY of Cumberland
NUTTING of Androscoggin
DAVIS of Cumberland

Representatives:
HASKELL of Portland
HANLEY of Gardiner
LAJOIE of Lewiston
SCHATZ of Blue Hill
PLUMMER of Windham
BURNS of Whiting
MAGNAN of Stockton Springs
WHEELER of Kittery

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

Signed:

Representatives:
GREELEY of Levant
SYKES of Harrison

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-709)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-709) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Collection and Proper Disposal of Unwanted Drugs"

H.P. 557 L.D. 821

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-625)**.

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-625)**.

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.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Expand Options in the Permanency Plan for Children in Foster Care"

H.P. 1151 L.D. 1623

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-706)**.

Signed:

Senators:

HOBBINS of York
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick
BRYANT of Windham
DILL of Cape Elizabeth
CLEARY of Houlton
HILL of York
KRUGER of Thomaston
STEVENS of Bangor
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

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

Signed:

Senator:

BLISS of Cumberland

(Representative MITCHELL of the Penobscot Nation - 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-706)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-706) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator **RAYE**: Thank you, Madame President. Men and women of the Senate, I am thrilled to recognize here today the Washington Academy Raiders from East Machias, Maine's Class C Basketball Champions. This year marks the first time in the proud 218 year history of Washington Academy that the school has brought home the gold ball. It comes on the heels of their soccer team winning the State Championship just last year. Under the leadership of Coach Steve Pineo, Assistant Coaches Barry Terrill and Rich Fabri, this remarkable team enjoyed a spectacular season and has brought great pride to their families and their communities. I had the pleasure of attending a victory celebration at WA on February 28th where family and friends and fans gathered to relish the moment. I have to tell you that it was an extremely moving experience. I was so impressed with the genuine affection, respect, and mutual admiration that the members of this team and their coaches have for each other. I was particularly moved by the way in which they spoke from the heart about what the experience of being part of this team has meant to them and what a life changing and life learning experience it has been for them to be part of this extraordinary team. It's clear that for these young men basketball is about more than just toning their skills on the court, which they did. It's about more than winning games, which they did. It's about more than proving that they are the best players, which they did. For them it was about learning to work together, to put others before themselves, to be there for each other, and to help each other reach their full potential, all of which will hold them, I think we can all agree, in good stead as they go through their lives. These young men represent the finest qualities of the next generation and we should all feel just a little bit better about the future

because of kids like them. It is a pleasure to acknowledge the Coaches, the Managers, and the team that has brought great pride to Washington County, the Washington Academy Raiders. Congratulations.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Washington Academy Raiders Boy's Basketball Team and their Coaches and staff. Please stand and accept the congratulations of the Maine Senate.

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

Senator **CRAVEN:** Thank you, Madame President. I would like to recognize Laurianne Murphy and her parents, Mary and David Murphy, for her great accomplishment and the award that has been bestowed upon her. She has achieved the national recognition for exemplary volunteer service by receiving the 2010 Presidential Spirit of Community award. She is a Freshman in the Middle School in Lewiston. We are very, very proud of her and welcome her to the Senate today.

THE PRESIDENT: The Chair would request that Laurianne Murphy of Lewiston, who has received this outstanding award for her volunteer service, please stand and accept the greetings of the Maine Senate.

Senate

Ought to Pass As Amended

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Minors from Pharmaceutical Marketing Practices" S.P. 649 L.D. 1677

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-427).**

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

READ ONCE.

Committee Amendment "A" (S-427) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Maine's High School Graduation Rates" S.P. 623 L.D. 1658

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-429).**

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

READ ONCE.

Committee Amendment "A" (S-429) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders" S.P. 446 L.D. 1198

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-430).**

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

READ ONCE.

Committee Amendment "A" (S-430) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Improve Dental Insurance Coverage for Maine Children" S.P. 680 L.D. 1773

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-431).**

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

READ ONCE.

Committee Amendment "A" (S-431) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Strengthen the Laws against Illegal 'Puppy Mill' Operators"

S.P. 605 L.D. 1598
(C "A" S-419)

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

Ordered sent down forthwith for concurrence.

ENACTORS

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

Acts

An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act

S.P. 592 L.D. 1546
(C "A" S-395)

An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare

S.P. 611 L.D. 1604
(C "A" S-385)

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

ORDERS OF THE 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 Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation"

S.P. 460 L.D. 1279

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-354)** (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 York, Senator Nass.

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, this bill, for several good reasons, has been sitting on the table for a while. It's a little moldy around the edges, but we'll try to explain why. Obviously this is a split report on partisan lines. This is important to at least the Republicans, in my opinion, because this represents an item or a plan, I guess, that some folks here have suggested doesn't exist, that's the Republican plan for tax reform. This has been, in one variety or another, the Republican plan for as long as I've been here, 16 years. In the 117th Legislature, when this Body was controlled by the Republicans, a version of this was introduced. It passed as part of the budget negotiations. In the 118th it was repealed and some version of this has been in existence in every legislative session that it has been my pleasure to be here. Unfortunately we haven't been able to do anything with this. What it does, basically, and it's simplicity is just amazing, it basically says that in years when there is a growth in income tax revenue we should use that growth, recognize it, and use it for something. In our case it was to buy down future income tax rates or the rate for the future. Over time, but not always, almost every cycle we raise more money here in income and sales taxes than we did in the prior period. We're not in one of those periods now, obviously. If you look at what the result of that would have been if this had stayed in effect, we would have had a tax burden almost \$800 million less than what it is now. On average, in most cycles, we collect \$60 million to \$70 million more than we did in the prior cycle. We never do anything with it. Well, that's not exactly right. We do do things with it. We fund new programs. We hire new employees. The down side of this is that if we had invoked and done something like this our citizens would be paying \$784 million less in taxes over the period that I've been here. What is the down side? The down side is we would not have been able to fund new programs. We would not have as many employees, State government would be that much smaller. That is pretty much what happens in the private sector in this period of time. The question I have and have never been able to ask is why doesn't it happen here? Why do we just let this place grow, this government grow, bigger with no challenge to it? No brake on it. To me, that indicates if we had gone down a different path we would be in a substantially different place. That money would have been available for economic growth in this economy. We would have looked substantially different than we do now in a relatively short time. That is the point and the reason, I think, for asking for a vote on this, the recognition that there is a different plan. It's been reported in the press lately that the Republicans don't have a plan for tax reform. It is my hope today to say that is wrong. It is here. It is the same plan that has been in existence for a long time. The question is, why don't we do something about it? That's what I'm hoping we can answer today, Madame President.

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 Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'm going to resist my temptation to sit still on this bill and I guess add a few words. It is a plan; I'll give

you that. It might do something some number of years down the road. It's designed to take excess revenue and use it for further reductions. We've heard that had we done this in the 118th we would have \$800 million less burden reduction. Now that is speculation. Possibly true. Had that been in place I submit that a lot of things we have done over the years we couldn't have. Things such as reducing the sales tax from 6% to 5%, repealing the Snack Tax, or creating the Homestead Exemption. In fact part of that repeal was to create the Homestead Exemption because at the time those of us who passed the Homestead Exemption looked at that as a much fairer way to share excess revenue with all Mainers because property tax seemed to be a bigger burden than reducing just the very top rate. I believe that plan was so only half of taxpayers would enjoy the benefit at that time. I know this bill is somewhat different. It addresses a more fair way of reducing burden. I'm not sure we could have funded BETR up to the \$80 million price tag we once funded it to. Beyond that, I don't think we could have repealed the personal property tax on business equipment, which is one of the most important things we were told we could do for the business climate in Maine. I kind of doubt we could have done Pine Tree Zones. I'm not sure we could have put a billion dollars into school funding to reduce property taxes. I'm pretty sure we couldn't have doubled the Circuit Breaker Program, which we did in L.D. 1. That all aside, who knows where we would be on the funding side of things; what programs may or may not have been funded. I can't answer that. There seems to be a notion that if we take a hard problem and just kick it down the road with some sort of arbitrary trigger or mechanism, a TABOR-like mechanism or excess revenues will go to do this. Right now the excess revenues go to buying down our unfunded liabilities. It goes to building up the Rainy Day Fund. There are already places that money goes. I would say the best scenario is that sometime many years from now we may see some burden reduction through this bill, possibly, but not for a very long time. I guess I did not realize this is the Republican alternative to tax reform because they had the opportunity to report that out as a report when we did tax reform but the report was Ought Not to Pass. This wasn't there. In fact, the folks leading the effort to repeal tax reform, I don't recall seeing any of them in the Taxation Committee ever to offer suggestions or other plans. It wasn't until it was passed that folks took the lead on repealing this. Had this been the alternative I think that would have been the time to vote it out as an alternative rather than a simple "no". All that aside, this is a repeat of what we did on Tuesday. This is in direct conflict with tax reform. The tax reform package that lowers the income tax rate from 8.5% to 6.5% and pays for it so it goes into action today, the tax reform plan that was editorialized in the Wall Street Journal as a Maine miracle, this is in direct conflict with that package and we won't know until sometime in June if the voter accept that \$50 million in burden reduction or reject it. Because of that the Attorney General has advised us not to take action on this bill. It is in conflict. I would urge acceptance of the Ought Not to Pass report. Thank you, Madame President.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I have been here a number of years. I came in when we had the surplus budget. I think I'd like to tell a little story about then-President Michaud when we had a fairly

even divided Senate and House. That's how I thought things were always going to be. If I'd known what we would evolve into I would not have bothered running again after that first term. We had to negotiate things. I have a story I'd like to relate about President Michaud. We had a little surplus going and I used to go in and eat his donuts and drink his coffee in the mornings. Senator Stanley, President Michaud, who is now a Representative in the U.S. House, and I wanted to use some of that surplus money to pay down the unfunded liability in the retirement system. I still have somewhere in a box under box after box materials on if we paid down part of the unfunded liability. I don't remember exactly what it was, \$100 million maybe or \$200 million, within three or four years time, by paying down the unfunded liability, it would be like paying forward on your house. My daughter's doing that. She's paying an extra \$100 a month on the principle. Her house is going to be paid for in a fairly short period of time. In terms of calculations on the unfunded liability, it was rather simple. President Michaud had it out five years as to what would happen to the unfunded liability. His thought was that we know in the budget there is a piece that pays, every year it's getting larger and larger, towards that wonderful thing called the unfunded liability. We would have freed up money to a large degree that we could have done other things with. Budgets aren't one time things. We know that. People have 401Ks. They live a long time span. It bothers me that we are talking about things that probably should have been done a few years ago. To come forward, we had two Senators, as you well know, one rather conservative and one rather liberal, who put together a tax package that was vetted and vetted and vetted. Maine Revenue Services came up. When you were looking at tax reform, or what ever you want to call it, you had some sense of what was taking place. If you recall, we never had the chance to vote on that in this Body. Now we are hearing the same old tired refrain, we can't do anything because something else is going to happen. The sun is going to come up tomorrow. I'm sure it's going to go down tomorrow. The cobwebs may grow on some of the tax reforms we think we're going to do. This little piece, basically the Attorney General has a ruling on it, at least shows folks that we understand where we should be going. That is a little history lesson. Not a very good one. There was a bright and shining moment there that we could have done something and didn't do it. I know some of the funds that we did buy one-time stuff and we have a police barracks in Houlton to show for that and a higher ed center to show for that. Maybe there is something in Lewiston to show for that. There was still money left over that could have gone to the retirement system and we wouldn't be in the fix that we are in the retirement system. I would urge us to follow the good Senator from York, Senator Nass' light just for the fun of it to say that we actually voted for something that might do some good.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, it's always nice to get up and counter some of the comments of my good friend from Penobscot, Senator Perry. Just for a little history lesson, because often sometimes on both sides we end up trying to see it through a different view, last session the Republicans did have this bill put forward. It was stuck on the table in the Taxation Committee. It wasn't released. We put it forward many other times and it's been rejected, usually

on party line basis. There was an alternative during the last debate for the tax reform, the sales tax expansion bill, for us to have an alternative and we chose not to expand the sales tax at that level. Expand the sales tax and then suspend the automatic indexing so it actually would be a tax increase going forward. That debate will be for another day. It will be out with the people. We did offer a true alternative. Actually the bill that the good Senator from Penobscot, Senator Perry, is talking about got recalled from the Governor's desk after it passed the Body and it was softened up a little bit. There was a little break, I think, for golf and ski lift tickets and things like that. All that stuff you've got to do to try to stay in shape. Unfortunately, the guy who has to get his car repaired still had to pay the bill. Having said all of that, this bill also reduces the income tax, eliminates it, for families earning \$30,000 a year or less. It directs excess revenue above and beyond the L.D. 1 cap that we passed a few years ago. It doesn't put a strain on the existing budget. If your goal is to grow State government at a very rapid rate then this probably wouldn't be the bill for you. If it isn't this is a way. This is a way to redirect revenue on an ongoing basis. It's a way to reach across the aisle and make a commitment to reducing the income tax until we get to 4.5%. I almost thought this was getting kind of mocked a little bit with some of the comments from my good friend from Penobscot but I'm sure he didn't mean it that way. Had we done this back in the late 1990's, when the Republicans and the Democrats were working together in the Senate because they had to, because the revenues the first few years were incredible, if we had done that, we may have been able to drop the rate at that point, reached our goal, and only God would know what we could have done for the economy of Maine. Thank you, Madame President, for the opportunity to have this discussion.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, as enticing as it would be to have this debate around tax reform, I am rising to ask that we have this debate in the proper forum, which is going to be when we are out of session. We have so much work to do that I think we all know how this will fall. Bringing up things and getting into long and lengthy debate is taking time away from the other things we need to work on. I would encourage this chamber, I'm not telling you what to do, I'm just encouraging you to join me in moving on and not taking the bait.

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

Senator **BARTLETT:** Thank you, Madame President. This has been a fascinating discussion about what would have been or could have been had this bill been passed years ago. While we are on the subject of what would have been or could have been, had there not been a Citizens Veto effort Maine tax payers would have had their income taxes reduced to 6.5%. Most of them less because of a refundable credit that was put in place for Maine families. Let's start there. I also agree that the proper forum for the debate around tax reform is out in the public. As I mentioned on Tuesday, the Republican Party led an effort to put this issue on the ballot. They gathered thousands of signatures. Those people have the right to have their say, to have a free and fair debate in the public square about the tax reform issue and that is

where it ought to stay. That's why this bill is troubling to me. It is clearly intended to try to influence the outcome of that vote, having first put the issue in front of Maine voters and we're now going to try to influence how they vote through legislation we pass this year. Less there be any doubt about the intent of this bill, I would encourage you to take a look at the Committee Amendment on the Minority Report which specifically has a contingency provision that would only take effect if the tax reform Citizen Veto effort is successful. It is telling people to join the effort to repeal the tax reform package that was presented to them and that we've got something else waiting in the wings. That is cynical and it's unfair to Maine voters and we ought to have this debate out in the public square. Let's do it. Let's stop having the charade of alternatives that try to influence their votes here in this chamber. Let's take the debate to the people and let them have their say. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I have to stand in response to the comments of my good friend from Cumberland. I'm sorry. It's not a charade. This is a discussion of heartfelt differences. I think the suggestion that this is somehow a charade is very unfortunate. It's not just an issue of what would have happened if a bill like this had been passed. The fact is that a bill like this was passed. Unfortunately, when the Democratic Majority in the subsequent legislature took office, they repealed it. We had this law on the books and it would have brought us a lot further ahead, I believe, in strengthening the economy and the job picture in this state. This is an alternative to the measure that I know friends on the other side of the aisle like and put through with their automatic indexing to subject taxpayers to tax increases down the road, but it is not a charade. It is a discussion, I think, of a heartfelt difference in opinion. Thank you.

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 (#327)

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

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

ABSENT: Senator: BRYANT

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-390)** (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 2, 2010, Reports **READ**.)

On motion by Senator **BRANNIGAN** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-390) **READ**.

On motion by Senator **MARRACHÉ** of Kennebec, Senate Amendment "A" (S-434) to Committee Amendment "A" (S-390) **READ** and **ADOPTED**.

Committee Amendment "A" (S-390) as Amended by Senate Amendment "A" (S-434) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/16/10) Assigned matter:

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

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

Tabled - March 16, 2010, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 9, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**, in concurrence.)

(In House, March 11, 2010, **FINALLY PASSED**.)

On motion by Senator **GOODALL** of Sagadahoc, 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" (H-652)**, in concurrence.

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" (H-652), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-436) to Committee Amendment "A" (H-652) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I ask permission to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **RAYE:** Thank you, Madame President. I wonder if someone could explain, for the benefit of all the Senators in the chamber, what the issue is that this amendment would resolve.

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise to answer that question. I believe this will be the first amendment of multiple amendments coming forth over the course of the next few days which will be removing the authority of the respective committee of jurisdiction to report out a piece of legislation originating from a report in the 125th. That is all that this amendment does. There is a resolve and it has allocating language giving the committee the ability to report out a piece of legislation.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

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

THE PRESIDENT: The Senator may pose his question.

Senator **RAYE**: Thank you, Madame President. Am I correct in my understanding that this being done in order to resolve the issue of one legislature binding another legislature that is not yet elected, that these various bills will still be able to report back to the committees of jurisdiction but is not able to bind that committee to submitting a bill?

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL**: Thank you, Madame President. Yes.

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

Senator **SCHNEIDER**: Thank you, Madame President. I wish to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER**: Thank you, Madame President. Is there anything in this bill currently that actually says the word 'must' report out a bill and requires a bill to be reported out as it is?

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL**: Thank you, Madame President. No.

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

Senator **SCHNEIDER**: Thank you, Madame President. I would state for the record that I do not believe that the bill as written requires the next legislature to report out a bill, thus does not bind the next legislature and I'm not in favor of this.

The Chair ordered a Division. 21 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **ADOPT** Senate Amendment "A" (S-436) to Committee Amendment "A" (H-652), **PREVAILED**.

Committee Amendment "A" (H-652) as Amended by Senate Amendment "A" (S-436) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY SENATE AMENDMENT "A" (S-436) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/17/10) Assigned matter:

SENATE REPORTS - from 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

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-424) (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-425) (6 members)

Tabled - March 17, 2010, by Senator **GERZOFISKY** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority Report **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-425) Report**

(In Senate, March 17, 2010, Reports **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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#328)

YEAS: Senators: **ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DAMON, GERZOFISKY, MARRACHE, NUTTING, PERRY, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL**

NAYS: Senators: **COURTNEY, DAVIS, DIAMOND, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SMITH, TRAHAN, WESTON**

ABSENT: Senator: **BRYANT**

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GERZOFISKY** of Cumberland to **ACCEPT** the Minority Report **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-425) Report, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424) Report ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-424) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/17/10) Assigned matter:

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

Tabled - March 17, 2010, by Senator **BARTLETT** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, March 11, 2010, **PASSED TO BE ENGROSSED**.)

(In Senate, March 17, 2010, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED, 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

Joint Resolution

The following Joint Resolution: H.P. 1302

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENACT THE LYME AND TICK-BORNE DISEASE PREVENTION, EDUCATION, AND RESEARCH ACT OF 2009

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

WHEREAS, Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

WHEREAS, Lyme disease is a bacterial infection that is usually transmitted by a tick bite, and early signs of infection may

include a rash and flu-like symptoms such as fever, muscle aches, headaches and fatigue; and

WHEREAS, although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed and, if untreated, can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

WHEREAS, although Lyme disease accounts for 90% of all vector-borne infections in the United States, the ticks that spread the disease also spread other diseases such as ehrlichiosis, babesiosis and anaplasmosis; and

WHEREAS, the federal Centers for Disease Control and Prevention indicates that the reported cases of Lyme disease are only 10% of actual cases that meet its surveillance criteria and has reported 27,444 new cases of Lyme disease in 2007, a 38% increase from the year before; and

WHEREAS, the persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult; and

WHEREAS, the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009 has been introduced in the 111th United States Congress as H.R. 741/S. 1352; and

WHEREAS, the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009 would advance the treatment of, and cure for, Lyme disease and other tick-borne diseases by expanding federal efforts concerning prevention, education, treatment and research activities related to Lyme disease and other tick-borne diseases by providing authorization for the appropriation of \$20,000,000 for each of the federal fiscal years from 2010 to 2012 for these activities; and

WHEREAS, this legislation would also require the United States Secretary of Health and Human Services to annually report to the United States Congress on these activities and make recommendations for further research and education and would establish the Tick-Borne Diseases Advisory Committee within the Office of the Secretary, United States Department of Health and Human Services; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the President of the United States and the United States Congress enact the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009, which is currently pending in the United States Congress; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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. 1303

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT A STRONG FEDERAL CLEAN ENERGY AND CLIMATE BILL

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 United States Congress as follows:

WHEREAS, not only the State of Maine, but the United States as a whole, is now facing historic energy and climate challenges, particularly economic and environmental challenges, that are a result of our overdependence on fossil fuels; and

WHEREAS, citizens of the State of Maine are finding it increasingly difficult to heat their homes affordably, and federal action on our energy and climate is long overdue; and

WHEREAS, the Federal Government must act quickly to develop and implement a clear climate and energy policy; and

WHEREAS, Maine has the oldest housing stock in the nation, and 80% of Maine homes are heated with oil, and Maine people suffer major financial hardship during periods of price volatility; and

WHEREAS, the Central Intelligence Agency has created a center on climate change, the United States Marine Corps plans to reduce its carbon emissions by 30% by 2020 and the United States Navy is reducing its carbon pollution on homeland bases by 50% by 2020 and launching a clean energy battle group by 2016; and

WHEREAS, Maine's industrial sector is struggling with its energy costs, putting hundreds of good jobs at risk throughout the State; and

WHEREAS, having access to efficient energy, using the cheapest and cleanest form of energy and properly weatherizing buildings would create jobs and reduce energy consumption and energy costs for the vast majority of the people of Maine; and

WHEREAS, Maine has created the Efficiency Maine Trust to coordinate energy efficiency efforts across the State; and

WHEREAS, Maine is a leader in renewable power research and development, is successfully migrating from fossil fuels to nonfossil fuels and indigenous and renewable resources and has

a plan in place to develop significant inland and off-shore wind farms as a means to create jobs, reduce our carbon impact and produce clean, renewable power; and

WHEREAS, Maine must become a leader in the energy sector with a workforce prepared with the skills and information necessary to attract strong, vibrant businesses; and

WHEREAS, the American Clean Energy and Security Act of 2009, which passed in the United States House of Representatives, lays the foundation for solving America's energy and climate challenges; and

WHEREAS, this Act would increase the use of renewable energy, spur the development of a smart power grid, promote electric vehicles and require the implementation of energy efficiency measures; and

WHEREAS, the American Clean Energy and Security Act of 2009 will put Americans back to work building, delivering and installing the systems and technologies that will help us meet our energy and climate challenges; and

WHEREAS, in addition, 2 other major bills have been introduced in the United States Senate on this important subject, including the Clean Energy Jobs and American Power Act and the Carbon Limits and Energy for America's Renewal (CLEAR) Act; 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 enact a strong clean energy and climate bill that:

1. Puts in place a carbon reduction standard that reduces carbon emissions by 17% below 2005 levels by 2020;
2. Dedicates revenues for energy efficiency and weatherization, giving priority to those states with the greatest need;
3. Ensures that states retain their authority to set higher standards than the Federal Government; 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.

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

READ and **ADOPTED**, in concurrence.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Monday, March 22, 2010, at 10:00 in the morning.