

MAINE STATE LEGISLATURE

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

In Senate Chamber
Tuesday
March 23, 2010

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

Prayer by Reverend Susan O. Gilpin, Retired, of Falmouth.

REVEREND GILPIN: Let us pray. Creator and creating God, we thank You for calling us to join those generations of men and women who have dedicated their lives to public service. We thank You for those successes which give us hope and lead us to sing for joy and we thank You for those disappointments which cause us to rely on You alone. Be with us this day as we strive to do what is best for the State of Maine; the land which supports and feeds us, the trees which clothe it, the rain which waters it, the creatures which live here, and the air we all breathe. Forgive us our mistakes, both personal and professional. Give us a clear vision of Your call and at the same time, help us to remember that politics is the art of the possible. Give us the courage to change the things we can, the serenity to accept the things we cannot change, and the wisdom to know the difference. In the name of all that is holy, we pray. Amen.

Reading of the Journal of Monday, March 22, 2010.

Doctor of the day, Dr. Carol Saunders, MD of Manchester.

Off Record Remarks

ORDERS

Joint Resolution

On motion by Senator **BARTLETT** of Cumberland, under unanimous consent on behalf of President **MITCHELL** of Kennebec (Cosponsored by Speaker **PINGREE** of North Haven and Senators: **ALFOND** of Cumberland, **BARTLETT** of Cumberland, **BLISS** of Cumberland, **BOWMAN** of York, **BRANNIGAN** of Cumberland, **BRYANT** of Oxford, **COURTNEY** of York, **CRAVEN** of Androscoggin, **DAMON** of Hancock, **DAVIS** of Cumberland, **DIAMOND** of Cumberland, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **GOOLEY** of Franklin, **HASTINGS** of Oxford, **HOBBINS** of York, **JACKSON** of Aroostook, **MARRACHÉ** of Kennebec, **McCORMICK** of Kennebec, **MILLS** of Somerset, **NASS** of York, **NUTTING** of

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

Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick), the following Joint Resolution:

S.P. 742

JOINT RESOLUTION RECOGNIZING ROBERT L. WOODBURY, THE LATE CHANCELLOR OF THE UNIVERSITY OF MAINE SYSTEM

WHEREAS, Robert L. Woodbury, of Falmouth, passed away from lymphoma in September 2009 at the age of 71 after living a vital and energetic life of commitment to other people and to the field of education, not only in Maine but in the international arena as well; and

WHEREAS, Chancellor Woodbury graduated from Belmont Hill School in 1956 and from Amherst College in 1960, and he earned a doctorate in American Studies from Yale University in 1966, beginning his career as a professor at the California Institute of Technology before becoming a senior administrator at the University of Massachusetts at Amherst; and

WHEREAS, Chancellor Woodbury came to Maine with his family to serve as the President of the University of Southern Maine in 1979, a time of great growth and expansion for the former University of Maine at Portland-Gorham, and he led the university after the merger of the Portland and Gorham schools and helped establish the Edmund Muskie Institute of Public Affairs; and

WHEREAS, the University of Southern Maine community honored Chancellor Woodbury's excellent service by naming the building that contained the student center, a cafeteria and the university bookstore on the expanding Portland campus the Robert L. Woodbury Campus Center; and

WHEREAS, Chancellor Woodbury went on to serve as Chancellor of the University of Maine System, overseeing the State's 7 university campuses from 1986 to 1993, and he ran for Governor of the State of Maine, hoping he could continue to serve the people of Maine; and

WHEREAS, Chancellor Woodbury served on a multitude of educational boards, including serving as chair of the board of the Council on International Educational Exchange, and remained an educator even in retirement, helping to found American University in Bulgaria and working to develop city-to-city exchanges between the United States and South Africa just before he died; and

WHEREAS, Chancellor Woodbury was devoted to his wife and his family, a major source of pride for him, and he was happy to have all of his children and their families living nearby in Maine throughout his retirement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the memory of Robert L. Woodbury and his commitment, dedication and work for the people of the State of Maine.

READ.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I am very happy to stand and join with my colleagues in presenting this Joint Resolution recognizing Robert Woodbury's lifetime of service. He was a committed family man and I'm glad to say that his family is here with us in his memory. A lifelong educator and a tremendous public servant. It's interesting that I grew up very close, during the summers, to the Woodbury family in Christmas Cove. We all have something very much in common, which is our love for this state. Robert Woodbury is a beloved member of the education community. He had an intense ability to reach out to people and make them understand the importance of higher education. After attending college at Amherst and graduated of Yale University, Robert took a position as professor of the California Institute of Technology. He then took a senior administrator position at the University of Massachusetts at Amherst. Robert began working in Maine in 1979 as President of the University of Southern Maine. As President, he worked to help establish the Edmund Muskie Institute for Public Affairs. In 1986 he was named as Chancellor of the University of Maine System and held that position until 1993. While Chancellor, Robert led the University System through many challenges, demonstrating his superb leadership skills and capabilities. Robert increased the level of enrollment and improved the accessibility of the college and enhanced the quality of education students in the University of Maine System receive. He is, and always will be, a great asset to this state because his work continues on. He is sorely missed by all of us and I want to thank his family and him for his lifetime of service. We are very fortunate to have had him as a devoted servant to the State of Maine. Thank you.

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

Senator **BLISS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I suspect that most of you know that I've spent my career working in higher education. I spent 20 years working at the University of Southern Maine, although I came to that institution right after Bob Woodbury left to become Chancellor. I've had the occasion to interact with Bob over the years and I want to talk about something that, in my mind, differentiates him from virtually every other University administrator with whom students have the opportunity to come in contact. College presidents, and certainly chancellors, often deserve the description of living in an ivory tower, of separating themselves from their institutions and their students because they're too busy looking at the big picture. Bob is maybe the opposite of that. If you walked into a room of administrators at the University, either at the Chancellor's office or on the campus of the University of Southern Maine, Bob would always be the first person to have a giant smile and stick out his hand to introduce himself to you. He was the friendliest administrator I ever met, the most knowledgeable administrator I ever met, and the administrator who was most inclined to sit and listen to students and pay attention to what they thought about what was going on. You cannot have a better administrator than that. I too am glad that the Woodbury family is here. I thought Bob was terrific. I still have my Woodbury for Governor sign in my basement, and I'm

delighted that we're taking the time to honor Bob and his family. Thank you, Madame President.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I knew Bob Woodbury well. Not in the way I may know any of you well, because I only met him once, and only for just a minute right here in this building, down in the Taxation Committee office. He was here for a meeting and afterwards dropped by to see his son, Richard Woodbury, who I shared that office with and who I consider a dear friend. When he left, I could just sense something, and I said to Dick afterwards, 'Boy there's something about your dad, he's so engaging and likeable, and I was really pleased I had the opportunity to meet him.' That's how I knew him, through his son, Dick. Whenever we'd talk about his dad, I could always see what was clear to me as the pride, admiration and affection that always came through. It's clear in the family that he and his wife Anne raised what kind of man he was. He's clearly left a legacy that will last for generations. To the Woodburys who are here today, I know how sorely he's missed and I'm sorry for your loss.

On motion by President **MITCHELL** of Kennebec, **ADOPTED.**

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Anne Woodbury, wife of the late Chancellor Robert Woodbury. She is accompanied by their sons; Jack Woodbury and Dick Woodbury, who is a former member of the other Body, and Bob's grandson and Dick's son, Sam. Please accept the greetings of the Maine Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Strengthen Collection of Unredeemed Beverage Container Deposits" (EMERGENCY)

H.P. 1263 L.D. 1774

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-717).**

Signed:

Senators:
SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:

AUSTIN of Gray
MacDONALD of Boothbay
HUNT of Buxton
SMITH of Monmouth
MARTIN of Orono
COHEN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-718).**

Signed:

Representative:

GILES of Belfast

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717).**

Reports **READ.**

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-717) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure"

S.P. 675 L.D. 1761

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-445).**

Report **READ.**

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

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:

House

Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

H.P. 1283 L.D. 1795

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

House As Amended

Bill "An Act Concerning Electricity Customers Whose Bills Increase as a Result of the Implementation of Energy Conservation or Energy Efficiency Measures"

H.P. 1119 L.D. 1581
(H "A" H-739 to C "A" H-700)

Bill "An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services"

H.P. 1189 L.D. 1688
(C "A" H-744)

Bill "An Act To Strengthen the Community-based Renewable Energy Pilot Program"

H.P. 1197 L.D. 1696
(C "A" H-730)

Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1255 L.D. 1765
(C "A" H-728)

Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission"

H.P. 1277 L.D. 1789
(C "A" H-742)

Bill "An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues"

H.P. 1278 L.D. 1790
(C "A" H-719; H "A" H-743)

Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1284 L.D. 1796
(C "A" H-740)

Bill "An Act To Exempt Personal Constituent Information from the Freedom of Access Laws"

H.P. 1288 L.D. 1802
(C "A" H-735)

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife

H.P. 1291 L.D. 1803
(C "A" H-723)

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

Bill "An Act Relating to the Membership of the Workers' Compensation Board"

H.P. 1103 L.D. 1566
(S "A" S-399 to C "A" H-659)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Strengthen the Ballot Initiative Process"

S.P. 662 L.D. 1730
(C "A" S-443)

READ A SECOND TIME.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

ENACTORS

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

Emergency Measure

An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code

S.P. 578 L.D. 1500

On motion by Senator **PERRY** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-426) **READ**.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'd just like to give a brief explanation of what this is. LD 1500 is a conformity bill that came before the Taxation Committee. I don't have a copy of the bill with me. It's one sentence long. It's a taxpayer-friendly piece of conformity with the Federal tax code. This amendment is something that popped up recently. It's to bring us into conformity with a Federal change that occurred just a couple of weeks ago. The Federal change said that if anyone contributed money to the Haiti relief effort this year they could deduct it retroactively off last year's taxes. That's simply what this amendment does. It allows donations given this year to be a deduction on last year's taxes. Both pieces are taxpayer friendly and ought to be non-controversial. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-426) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Emergency Measure

An Act To Facilitate Voting by Uniformed Service and Overseas Voters

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

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

Emergency Measure

An Act To Protect Retirement Income

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

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

Emergency Measure

An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws and the Storm Water Management Laws
S.P. 698 L.D. 1787
(C "A" S-403)

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

Emergency Measure

An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry
S.P. 718 L.D. 1809

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992

H.P. 1299 L.D. 1815

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation

H.P. 1258 L.D. 1768
(C "A" H-710)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Strengthen the Job Creation Through Educational Opportunity Program

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

An Act To Correct Errors and Inconsistencies in Marine Resources Laws

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

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

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

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

S.P. 654 L.D. 1682
(S "A" S-414 to C "A" S-372)

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

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

An Act To Amend the Charter of the Kennebec Water District

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

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

An Act To Improve the Seed Capital Investment Tax Credit Program

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

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

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

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

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Senator **TRAHAN** of Lincoln was granted unanimous consent to address the Senate off the Record.

Resolves

Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Communications of Members of Public Bodies

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

Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol

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

Resolve, Regarding Energy Conservation through Voltage Regulation

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/11/10) Assigned matter:

Resolve, To Create a Working Group To Review the Property Tax Exemption for Veterans

H.P. 60 L.D. 71
(C "B" H-644)

Tabled - March 11, 2010, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 4, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-644), in concurrence.)

(In House, March 9, 2010, **FINALLY PASSED**.)

On motion by Senator **PERRY** of Penobscot, 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 "B"** (H-644), 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-644), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-439) to Committee Amendment "B" (H-644) **READ**.

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

Senator **PERRY:** Thank you, Madame President. Men and women of the Senate, this is the same amendment we've heard here on other bills a number of times in the last several days. It makes no change to the bill at all except for it strips out the ability for a bill to be reported back in the next Legislature. It simply changes it to a report back and that's all the amendment does. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-439) to Committee Amendment "B" (H-644) **ADOPTED**.

Committee Amendment "B" (H-644) as Amended by Senate Amendment "A" (S-439) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

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

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "B" (H-644) as Amended by Senate Amendment "A" (S439) thereto, in Non-Concurrence. 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 (#334)

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

NAYS: Senators: None

EXCUSED: Senator: SMITH

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-644) AS AMENDED BY SENATE AMENDMENT "A" (S-439)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

Tabled - March 16, 2010, by Senator **PERRY** of Penobscot

Pending - **FURTHER CONSIDERATION**

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

(In House, March 11, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-713)**, in **NON-CONCURRENCE**.)

On motion by Senator **PERRY** of Penobscot, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

House Amendment "A" (H-713) **READ**.

On motion by Senator **PERRY** of Penobscot, House Amendment "A" (H-713) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-440) **READ**.

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

Senator **PERRY:** Thank you, Madame President. Men and women of the Senate, I just wanted to give a brief explanation. It's the same as the last bill that simply switches out the report back of a bill for a report back. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-440) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-440), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Document Fees at County Registries of Deeds"

H.P. 1096 L.D. 1554

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-669)**

Tabled - March 17, 2010, by Senator **SIMPSON** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 16, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669).**)

(In Senate, March 17, 2010, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-669) **READ.**

On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "A" (S-449) to Committee Amendment "A" (H-669) **READ.**

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

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, this amendment is making a few small changes to the Committee Amendment. The real purpose is to make sure that there's a preservation of freedom of access for challenges in case registry of deeds are deemed to be unreasonable. I hope you'll all join me in supporting this measure. Thank you.

On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "A" (S-449) to Committee Amendment "A" (H-669) **ADOPTED.**

Committee Amendment "A" (H-669) as Amended by Senate Amendment "A" (S-449) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE**, pursuant to Joint Rule 204, on Bill "An Act To Amend Certain Provisions of Fish and Wildlife Laws"

S.P. 615 L.D. 1650

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-388)**

Tabled - March 2, 2010, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF REPORT**

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

Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-388) **READ.**

On motion by Senator **BRYANT** of Oxford, Senate Amendment "B" (S-412) to Committee Amendment "A" (S-388) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, what this amendment does, the Committee has the unanimous support of moving from four to six dogs when they hunt bear. It's as simple as that.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "B" (S-412) to Committee Amendment "A" (S-388) **ADOPTED.**

Committee Amendment "A" (S-388) as Amended by Senate Amendment "B" (S-412) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "B" (S-452) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, the Committee had looked at this and over the last year we've developed new rules for open water fishing and the law book comes in to effect April 1st. As the weather has gotten better, and as all the ponds have opened up in the southern part of the state, the Committee has wanted to enact the current rules. Instead of going in effect on April 1st they'll go into effect immediately. So, then for the next week-and-a-half, people will be able to fish under the current rules that will be adopted on April 1st. That is what this amendment does, it only implements the rulebook a week-and-a-half early so that the fisherman will be able to access the ponds that are open currently.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just rise to commend the good Senate Chair for his creativity. I think this is a wonderful idea and sends a terrific message to not only the people out there who go fishing but also the business community. I think it's a wonderful amendment, I just wish I would have thought of it. Thank you.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "B" (S-452) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-388) AS AMENDED BY SENATE AMENDMENT "B" (S-412) thereto AND SENATE AMENDMENT "B" (S-452).

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Health Care Consumers from Catastrophic Debt"

H.P. 1148 L.D. 1620

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-664)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 17, 2010, by Senator **RAYE** of Washington

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 16, 2010, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664).**)

(In Senate, March 17, 2010, Reports **READ**.)

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

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

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

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until 3:30 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities"

H.P. 1298 L.D. 1814

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

H.P. 1296 L.D. 1812

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program" (EMERGENCY)

H.P. 1163 L.D. 1635

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-751)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**.

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

READ ONCE.

Committee Amendment "A" (H-751) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine"

H.P. 1186 L.D. 1685

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-753)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753)**.

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

READ ONCE.

Committee Amendment "A" (H-753) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's 'Mini-COBRA' Program"

H.P. 1209 L.D. 1708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-747)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-747)**.

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

READ ONCE.

Committee Amendment "A" (H-747) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

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

H.P. 1280 L.D. 1792

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-750)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)**.

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

READ ONCE.

Committee Amendment "A" (H-750) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses" (EMERGENCY)

H.P. 1218 L.D. 1717

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-745)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**.

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

READ ONCE.

Committee Amendment "A" (H-745) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"

S.P. 598 L.D. 1561

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-401)** (12 members)

Minority - **Ought to Pass** (1 member)

Tabled - March 9, 2010, by Senator **DAMON** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 9, 2010, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-401) **READ**.

On motion by Senator **BLISS** of Cumberland, Senate Amendment "B" (S-432) to Committee Amendment "A" (S-401) **READ**.

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

Senator **BLISS:** Thank you, Madame President. Men and women of the Senate, when this Committee Amendment was put together in the Transportation Committee, after a great deal of discussion and hard work, a fairly innocent phrase was inserted that didn't seem to mean much to Committee members or to a budding young attorney on the Committee. The phrase was, 'a reasonable articulable suspicion.' That phrase has a particular meaning to law enforcement officials and in the view of the law enforcement community, the addition of this phrase in the bill raises the bar and prevents them from using this new technology to its full capabilities for community service types of work. There has been a great deal of discussion on the part of the South Portland police department, the Maine Civil Liberties Union, and the Commissioner of Public Safety, who all worked very hard to find a substitute phrase that would both allow the police the flexibility to use this technology for community service work, while

at the same time protecting the rights of individual citizens. The phrase that they came up with, which is substantially longer than 'reasonable articulable suspicion' is 'specific and articulable facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a civil order.' That is the sum total of this amendment. It is an effort to ensure that the bill goes forward based upon the Committee's amendment, but changes that phrase to allow both the police to take full advantage of the technology for community service types of work and also protects the individual freedoms and protects individual citizens, which is what the Civil Liberties Union requested. So I urge you to adopt this amendment. Thank you, Madame President.

On motion by Senator **BLISS** of Cumberland, Senate Amendment "B" (S-432) to Committee Amendment "A" (S-401) **ADOPTED**.

On motion by Senator **DAMON** of Hancock, Senate Amendment "C" (S-453) to Committee Amendment "A" (S-401) **READ**.

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

Senator **DAMON:** Thank you, Madame President. Men and women of the Senate, this simply removes the portion of the Committee Amendment which requires that the Committee following this Legislature's Committee, the Committee of the 125th, be required to submit legislation. We should not be requiring future legislatures to do any of that. They have that ability on their own and so this amendment simply removes that phrase and removes the authority of the joint standing committee of the Legislature having jurisdiction over transportation matters to submit a bill in the First Regular Session of the 125th Legislature. That's all it does. Thank you, Madame President.

On motion by Senator **DAMON** of Hancock, Senate Amendment "C" (S-453) to Committee Amendment "A" (S-401) **ADOPTED**.

COMMITTEE AMENDMENT "A" (S-401) AS AMENDED BY SENATE AMENDMENTS "B" (S-432) AND "C" (S-453) thereto, ADOPTED.

Under suspension of the Rules, **READ A SECOND TIME.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-401) AS AMENDED BY SENATE AMENDMENTS "B" (S-432) AND "C" (S-453) thereto.

Ordered sent down forthwith for concurrence.

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

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

Tabled - March 16, 2010, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

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

(In House, March 11, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391) AND HOUSE AMENDMENT "A" (H-711), in NON-CONCURRENCE.**)

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391).**

House Amendment "A" (H-711) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-433) **READ**.

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

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **RAYE:** Thank you, Madame President. I'd like to have an explanation of the Amendment before us and what it would do to the underlying 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 Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Men and women of the Senate, currently in law there is a requirement that if a person has been convicted of operating under the influence there is an identification of that conviction that has been attached, or is attached, to one's operating license. This amendment removes that physical attachment. With our digital technology, should an officer make a traffic stop and ask for the documentation that they always ask for, at least I've heard they ask for - I've never really had it happen since last Monday, and when they call that in, all of that information becomes available to them. It is deemed not necessary to have that label attached or affixed to the physical license. This amendment will remove that requirement. Thank you, Madame President.

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

Senator **PLOWMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, may I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Was the Senator talking about filing S-433 to LD 1562?

THE PRESIDENT: The Chair would advise the Senator that he was talking a bit about the House Amendment which we've adopted. I think the question was about the amendment you're offering, Senate Amendment "A". Is that correct?

Senator **PLOWMAN:** Yes, Madame President.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Men and women of the Senate, it was my understanding that the Amendment that I was offering was in fact the same as the House Amendment and so that's why I was speaking to it.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ADOPT** Senate Amendment "A" (S-433).

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

SENATE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"

S.P. 516 L.D. 1432

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-411)** (9 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 16, 2010, by Senator **DAMON** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

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

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

Senate at Ease.

Senate called to order by the President.

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

SENATE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"

S.P. 516 L.D. 1432

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-411)** (9 members)

Minority - **Ought Not to Pass** (5 members)

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

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

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

On motion by Senator **BARTLETT** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Oversight of Pharmaceutical Purchasing"

H.P. 940 L.D. 1339

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-693)** (8 members)

Minority - **Ought Not to Pass** (5 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 16, 2010, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**.)

(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 PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

ROLL CALL (#335)

Senator **MILLS**: Thank you, Madame President. Men and women of the Senate, I rise briefly to urge the Body to oppose the pending motion. The bill, as it finally came up from the Human Services Committee, does a couple of things that I think are unnecessary. It requires PBMs to register with the Bureau of Insurance. They are not themselves insurers. They are entities that contract typically with insurers or with very large self-insured employers. When I pose questions about why we were asking them to register with the Bureau of Insurance, I have, quite candidly, got no good answer. I don't know who we're trying to protect. I just couldn't fathom what the reasons were for imposing a registration requirement on these businesses. They are large and sophisticated entities that do business with other very large and sophisticated entities, typically insurers and large employers. I couldn't understand why we would have these contracts the subject of registration at the Bureau.

The other part of this bill asks that the State Auditor audit State contracts in which PBM services are purchased. Here again, if there are public contracts with PBMs, these are arrangements that are entered into by some of the more highly sophisticated purchasers of health care services in our state. I don't understand what value the State Auditor can add to monitoring those relationships. For that reason, and just in the interest of not adding more unnecessary laws to our books, I am urging the Body to vote no on the pending motion. Thank you.

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

Senator **BRANNIGAN**: Thank you, Madame President. Men and women of the Senate, I do believe that this is an important piece of legislation. These groups are huge and they're major players between insurance situations and the drug companies. We have laws by which they have to share with us certain rebates that they get. They have been derelict in their duties and they've been found so by the courts. Other states have found that they have to have some way of encouraging them to do what they're supposed to do. That's why we're saying that they need to be licensed, so our Bureau of Insurance and our very tough Commissioner will be able to direct them in the way they should go. I like what one of the courts said about them when they've had to be taken to court, we don't want to continue to do that, but they said that they produce a layer of fog between the pharmaceutical companies, and we know about them, and the State insurance people, Anthem, all of them. They all have this group and we need to have some ability to allow them to do things the way they should. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Brannigan to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, 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, TRAHAN, WESTON

EXCUSED: Senator: SMITH

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRANNIGAN** of Cumberland to the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-693) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Adopt the Common Core State Standards Initiative" (EMERGENCY)
S.P. 705 L.D. 1800

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-423)** (11 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 17, 2010, by Senator **RAYE** of Washington

Pending - motion by Senator **ALFOND** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 17, 2010, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-423) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/22/10) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention"
H.P. 1130 L.D. 1592

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Wednesday, March 24, 2010, at 10:00 in the morning.

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-721)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 22, 2010, by Senator **RAYE** of Washington

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 18, 2010, 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-721)**.)

(In Senate, March 22, 2010, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ**: Thank you, Madame President. Men and women of the Senate, I just wanted to update everybody on what this bill does. It was an enormous bill, omnibus so to say, and we gutted out of it almost everything that was there that was onerous. We took out the rabies part and the transportation of infected animals part. There was a 25% increase in fees that were going to be applied to municipalities for records and things that the vital records department was doing for them. We had a long few days dealing with this and we got that removed. What we did is we removed the rabies, removed the transportation, and the burial permit fees were reduced to \$20 instead of what it was before, I believe \$40. It was an arrangement made between municipalities, the clerk's office, and vital records that the 35% payback would be removed. The vital records department could not function without any money so they will continue to do the job they ask of them but they are going to have to pay for the paper and the toner and for the supplies that they need to have them print these documents off for them. The clerks all agreed. That was the agreement that was made and this is the bill in its entirety, which has all compromises. Thank you.

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

READ ONCE.

Committee Amendment "A" (H-721) **READ** and **ADOPTED**, in concurrence.