

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

Pages 1209 - 1846

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

In Senate Chamber  
Monday  
March 29, 2010

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

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Prayer by Reverend Judson Pealer, Rector, The Episcopal  
Church of the Good Shepherd of Rangeley.

**REVEREND PEALER:** I'm new to Maine and I thank you for the  
opportunity to be here with you and to pray to God for the work  
that lies before you. I begin with a reading from the Hebrew  
scriptures.

So now, give heed to the statutes and ordinances that I am  
teaching you to observe so that you may live and occupy the land  
that Lord, the God of your ancestors, has given you. You must  
observe them diligently, for this will show your wisdom and  
discernment to the peoples who, when they hear all these  
statutes, will say, 'Surely this great nation is a wise and discerning  
people.' For what other great nation has a God so near to it as  
the Lord our God is whenever we call to Him? What other great  
nation has statutes and ordinances as just as this entire law that I  
am setting before you today?

Let us pray. Almighty God, we open our deliberations this  
day with You as our first thought. Bless the work we face and the  
way we face it. May we speak the truth to one another, listen with  
open ears and deep hearts, and help us, we pray, to think and act  
for the greater good of the people of the state of Maine and this  
nation. Guide us in the way that we should go. Strengthen us for  
the difficult tasks and spare us from error. You have blessed us  
with a wonderful land. Help us to protect it and build it up so that  
our children's children might say, 'How they loved us and cared  
for us and gave us such a wonderful heritage and a place to live.'  
This is my prayer. Amen.

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Pledge of Allegiance led by Senator Bruce S. Bryant of Oxford  
County.

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Reading of the Journal of Friday, March 26, 2010.

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Doctor of the day, Dr. William Heinz, MD of Freeport.

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.C. 747

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the 124th Maine Legislature, the Joint Standing Committee  
on Agriculture, Conservation and Forestry has had under  
consideration the nomination of James A. Nadeau of Winterville  
Plantation, for reappointment to the Land Use Regulation  
Commission.

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

YEAS	Senators	3	Nutting of Androscoggin, Bryant of Oxford, Sherman of Aroostook
	Representatives	8	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolnville, Smith of Monmouth
NAYS		0	
ABSENT		2	Rep. Percy of Phippsburg, Rep. Pratt of Eddington

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 James A. Nadeau of Winterville Plantation, for  
reappointment to the Land Use Regulation Commission be  
confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 743

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Dr. Edward B. Lavery of Milo, for reappointment to the Land Use Regulation Commission.

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

YEAS	Senators	2	Nutting of Androscoggin, Bryant of Oxford
	Representatives	8	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntonville, Smith of Monmouth
NAYS	Senators	1	Sherman of Aroostook
	Representatives	0	
ABSENT		2	Rep. Percy of Phippsburg, Rep. Pratt of Eddington

Ten 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 Dr. Edward B. Lavery of Milo, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 744

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Ernest B. Harvey III of Greenville, for reappointment to the Land Use Regulation Commission.

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

YEAS	Senators	3	Nutting of Androscoggin, Bryant of Oxford, Sherman of Aroostook
	Representatives	8	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntonville, Smith of Monmouth
NAYS		0	
ABSENT		2	Rep. Percy of Phippsburg, Rep. Pratt of Eddington

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 Ernest B. Harvey III of Greenville, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 745

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Sarah T. Farrand of Beaver Cove, for appointment to the Land Use Regulation Commission.

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

YEAS	Senators	3	Nutting of Androscoggin, Bryant of Oxford, Sherman of Aroostook
	Representatives	9	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntonville, Percy of Phippsburg, Smith of Monmouth

NAYS	0	
ABSENT	1	Rep. Pratt of Eddington

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 Sarah T. Farrand of Beaver Cove, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 746

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Gwendolyn R. Hilton of Starks, for reappointment to the Land Use Regulation Commission.

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

YEAS Senators 2 Nutting of Androscoggin,  
Bryant of Oxford

Representatives 8 Pieh of Bremen, Cray of  
Palmyra, Edgecomb of  
Caribou, Gifford of Lincoln,  
Kent of Woolwich, McCabe of  
Skowhegan, O'Brien of  
Lincolntonville, Smith of  
Monmouth

NAYS Senators 1 Sherman of Aroostook

Representatives 0

ABSENT 2 Rep. Percy of Phippsburg,  
Rep. Pratt of Eddington

Ten 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 Gwendolyn R. Hilton of Starks, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 748

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Rebecca Kurtz of Phillips, for reappointment to the Land Use Regulation Commission.

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

YEAS Senators 2 Nutting of Androscoggin,  
Bryant of Oxford

Representatives 6 Pieh of Bremen, Cray of  
Palmyra, Kent of Woolwich,  
McCabe of Skowhegan,  
O'Brien of Lincolntonville, Smith  
of Monmouth

NAYS Senators 1 Sherman of Aroostook

Representatives 2 Edgecomb of Caribou,  
Gifford of Lincoln

ABSENT 2 Rep. Percy of Phippsburg,  
Rep. Pratt of Eddington

Eight members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Rebecca Kurtz of Phillips, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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The Following Communication: S.C. 749

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Steve Schaefer of Grand Lake Stream, for reappointment to the Land Use Regulation Commission.

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

YEAS	Senators	3	Nutting of Androscoggin, Bryant of Oxford, Sherman of Aroostook
	Representatives	7	Pieh of Bremen, Cray of Palmyra, Edgecomb of Caribou, Gifford of Lincoln, Kent of Woolwich, O'Brien of Lincolntonville, Smith of Monmouth
NAYS		0	
ABSENT		3	Rep. McCabe of Skowhegan, Rep. Percy of Phippsburg, Rep. Pratt of Eddington

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 Steve Schaefer of Grand Lake Stream, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting  
Senate Chair

S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: H.C. 297

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 26, 2010

Honorable Joy J. O'Brien  
Secretary of the Senate  
124th Maine Legislature  
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Inland Fisheries and Wildlife on Bill "An Act To Allow the Electronic Registration of Big Game Animals" (S.P. 656) (L.D. 1723)(EMERGENCY)

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

**Joint Resolution**

On motion by Senator **DAMON** of Hancock (Cosponsored by Representative **PERCY** of Phippsburg and Senators: **PERRY** of Penobscot, **RECTOR** of Knox, **SULLIVAN** of York, Representatives: **MAZUREK** of Rockland, **PIEH** of Bremen), the following Joint Resolution:

S.P. 744

**JOINT RESOLUTION SUPPORTING FEDERAL FUNDING FOR  
MARKETING AND PROMOTING SEAFOOD PRODUCED IN  
THE UNITED STATES**

WHEREAS, the Maine Legislature, in partnership with the lobster industry, established in statute the Lobster Promotion Council, funded by lobster license holders, to market and promote the sale of Maine lobster to customers worldwide; and

WHEREAS, effective marketing of Maine lobster requires a constant, consistent and long-term marketing presence, especially in times of oversupply and new competition, in order for Maine lobster to reach a greater market; and

WHEREAS, the Maine lobster industry has paid for promotional activities to provide the greatest return on the investments made by lobster license holders; and

WHEREAS, the Maine lobster industry has made the most cost-effective use of a limited promotional budget; and

WHEREAS, despite the money raised within the lobster industry in Maine, the Lobster Promotion Council's promotional activities are often limited and underfunded; and

WHEREAS, in times of economic collapse or oversupply of lobsters, the lobster industry in Maine is not in a position to increase marketing assessments to raise more funds; and

WHEREAS, the Federal Government collects approximately \$280,000,000 annually through customs laws regulating the importation of seafood products, many of which compete with Maine's lobster products; and

WHEREAS, funds collected from the importation of seafood products are not available for the domestic marketing of American seafood; and

WHEREAS, using seafood product import revenues to market American seafood will preserve American fishing and seafood processing jobs, will preserve United States processing capacity and will ensure the availability of domestic seafood for the American consumer; 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 express our support for the use of a portion of federally generated seafood product import revenues for the domestic marketing and promoting of Maine lobster; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor John E. Baldacci.

**READ and ADOPTED.**

Sent down for concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1224 L.D. 1725

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-677).**

Signed:

Senator:  
GOODALL of Sagadahoc

Representatives:  
BOLDUC of Auburn  
EBERLE of South Portland  
DUCHESNE of Hudson  
WALSH INNES of Yarmouth  
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-678).**

Signed:

Senator:  
SMITH of Piscataquis

Representatives:  
HAMPER of Oxford  
KNAPP of Gorham  
EDGEComb of Caribou

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY HOUSE AMENDMENT "A" (H-778)** thereto.

Reports **READ.**

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

---

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Concerning Statewide Communications Interoperability"

H.P. 1201 L.D. 1700

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

Signed:

Senator:  
DAVIS of Cumberland

Representatives:  
HANLEY of Gardiner  
LAJOIE of Lewiston  
GREELEY of Levant  
SCHATZ of Blue Hill  
BURNS of Whiting  
WHEELER of Kittery  
MAGNAN of Stockton Springs  
SYKES of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-775).**

Signed:

Senators:  
GERZOFSKY of Cumberland  
NUTTING of Androscoggin



Representatives:  
HASKELL of Portland  
PLUMMER of Windham

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)** 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 Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)** Report, in concurrence.

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**Divided Report**

Nine members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment" (EMERGENCY)  
H.P. 1089 L.D. 1547

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-725)**.

Signed:

Senators:  
NUTTING of Androscoggin  
BRYANT of Oxford

Representatives:  
PIEH of Bremen  
KENT of Woolwich  
CRAY of Palmyra  
EDGECOMB of Caribou  
McCABE of Skowhegan  
GIFFORD of Lincoln  
SMITH of Monmouth

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-726)**.

Signed:

Representatives:  
O'BRIEN of Lincolnville  
PERCY of Phippsburg

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-727)**.

Signed:

Representative:  
PRATT of Eddington

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)** **AS AMENDED BY HOUSE AMENDMENT "A" (H-786)** thereto.

Reports **READ**.

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

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**SECOND READERS**

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

**House**

Resolve, Regarding Emergency Communications Services (EMERGENCY)  
H.P. 1315 L.D. 1828

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

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**House As Amended**

Bill "An Act To Require Insurance Companies To Cover the Cost of Prosthetics"  
H.P. 15 L.D. 20  
(C "A" H-748)

Bill "An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process" (EMERGENCY)  
H.P. 1056 L.D. 1507  
(C "A" H-782)

Bill "An Act To Make Maine's Laws Consistent with the Federal Family Smoking Prevention and Tobacco Control Act"  
H.P. 1086 L.D. 1542  
(C "A" H-776)

Bill "An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization"  
H.P. 1088 L.D. 1544  
(C "A" H-787)

Bill "An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs"  
H.P. 1205 L.D. 1704  
(H "A" H-781 to C "A" H-736)

Bill "An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws"

H.P. 1271 L.D. 1781  
(C "A" H-783)

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

Bill "An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities"

H.P. 313 L.D. 425  
(C "A" H-663)

**READ A SECOND TIME.**

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

Senator **McCORMICK:** Thank you, Madame President. I rise in opposition to L.D. 425. This bill is a Mandate to all individual and group health insurance policies and health maintenance organization contracts. It provides early intervention services for children from birth to 3 years of age, up to \$3,200 per year, and a maximum of \$9,600 by age 3. Cost estimates for this legislation are from 22¢ to 80¢ per member per month. My primary opposition is there was no evidence presented in the public hearing to indicate that children with disabilities are without these services now. In fact, children with developmental disorders receive services now through state and federally funded programs through the Federal Individuals with Disabilities Education Improvement Act. One part of this federal law authorizes services for children under the age of 3 with disabilities through joint federal and state early intervention services programs. Services are already available for these children with a referral from their primary care provider. This bill is simply a shift of costs from MaineCare programs in DHHS and Child Development Services programs in the Department of Education to private sector policy holders. I do not oppose this bill simply because it is a Mandate. Earlier this session our committee produced the unanimous report on the autism mandate and it passed this Body under the hammer. This Mandate will not provide any more services than are now available or identify any more children who are not currently eligible. It will simply shift the cost, including the 2/3 federal match that we currently enjoy, to the private sector policy holders. In this case there is nothing to be gained for increasing the cost of insurance for all private sector policy holders. I would urge you to oppose the current motion and oppose L.D. 425.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. (Roll Call Ordered)

Bill "An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties"

H.P. 1206 L.D. 1705  
(C "A" H-769)

**READ A SECOND TIME.**

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

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#### Senate As Amended

Bill "An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data" (EMERGENCY)

S.P. 704 L.D. 1799  
(C "A" S-483)

Bill "An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform"

S.P. 735 L.D. 1819  
(C "A" S-485)

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

Sent down for concurrence.

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

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

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#### ORDERS OF THE DAY

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

NOMINATION - of James A. Nadeau of Winterville Plantation for reappointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 747) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#373)**

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFISKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James A. Nadeau** of Winterville Plantation for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Dr. Edward B. Laverty of Milo for reappointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 743) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, it's the first time since I've been here that somebody has gotten up on some of these nominations. My own caucus said, 'What are you doing?' You'll see my name here in many places. With a decent respect for the folks here, I'd like to tell you what I was doing and why I did it. I also explained to the committee and the folks that are being nominated that I had nothing against them personally. It is a question of principle. I believe that the principle is this, these folks are working on the CLUP. Some of them their terms ran out two or three years ago. When the Governor's person came before us a couple of years ago they said they needed to finish the CLUP. They needed to keep this group together. Basically they said when those folks were done that they would be done. Now, in effect, they did complete their terms. If you think about it when someone says to you that they are here for a certain period of time to finish the CLUP and the CLUP is done, I thought they should be done. These will carry over to the next Governor, whoever he or she may be. You are going to handicap, in a sense, who the next Governor is going to be because these folks are going to be on here. If you go through this, the individuals that I voted for basically are going to be termed out in July of next year. That would give you some continuity. There is a lady from Greenville who is brand new. That did not go against what I thought we had been told some years ago. I think it's, in a way, a dangerous precedent when you have someone that is there without being nominated, in a sense. Just carried over. That puts some pressure on them, possibly, to do the bidding of the person who has the power of re-nomination. I think we might have seen that in the PUC to some extent. That's not this piece. These are good people. I explained what my principle was, be that as it may, before we went through the nominations. That's why you will see the numbers here. In one case you will see that a couple of Representatives voted with me but they had their own reasons for doing that. I, again, mean no harm to these folks but I think you have a principle, that you've locked in the next Governor; Republican, Democrat, Independent, or who ever it might be. Their hands, in effect, are going to be tied for a period of time with these continuing nominations. Thank you.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, it is true that LURC is one of the boards where there are no term limits. Mr. White, from Bethel, has served on the LURC Commission as a LURC Committee member for 23 years and is re-nominated every four years, at the end of his term. It is true that, because of the CLUP, the land use plan

for the unorganized territory, and because of the very large proposal that has been before the LURC Board from Plum Creek that they just finished with, everyone's terms had run out and they had just been extended, which is the option of the Chief Executive. The seven that were nominated, yes I was a little surprised that six of them were re-nominated but they were very good people. Very good people. The staggering has been built back in. That's the main point I want to make. Of the seven LURC people nominated for the LURC Commission that are before us today two people's terms will be up in three years, two of the people's terms will be up in two years, and three will be up in one year. The staggering has been put back in. I just wanted to clarify that. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#374)**

YEAS: Senators: DAVIS, NASS, SHERMAN

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFSKY

3 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Dr. Edward B. Laverty** of Milo for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Ernest B. Harvey III of Greenville for reappointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 744) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#375)**

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFSKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ernest B. Harvey III** of Greenville for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Sarah T. Farrand of Beaver Cove, for appointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 745) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#376)**

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFISKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sarah T. Farrand** of Beaver Cove, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Gwendolyn R. Hilton of Starks for reappointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 746) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#377)**

YEAS: Senators: DAVIS, NASS, SHERMAN

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFISKY

3 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Gwendolyn R. Hilton** of Starks for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Rebecca Kurtz of Phillips for reappointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 748) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

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

Senator **GOOLEY**: Thank you, Madame President. Men and women of the Senate, I rise in support of this reappointment. I've had some correspondence from some of my constituents about this reappointment. I'd just like to say a few words about her. She has been a tremendous asset to the Commission and is committed to the work of the Commission. The major decisions and recent rewrite of the CLUP, or Comprehensive Land Use Plan, has been a priority for her. She's put a lot of time in on that. She has done a lot of thorough preparation and paid attention to detail on this. Some of her other accomplishments have been as the coordinator of the Rangeley Lakes National Scenic Byway and construction of a scenic overlook on Route 4 entering Rangeley. She also worked on a scenic overlook at the Height of Land up in the Oquossoc area. She's also director of EcoVenture Camp for kids, providing outdoor recreation and environmental education. She's also coordinator of a regional water quality and invasive plant prevention program throughout the lakes and ponds of the Rangeley region. Lastly, she is the coordinator of a workforce housing initiative which has to do with obtaining grants for this project. She's a busy person and I support her re-nomination. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#378)**

YEAS: Senators: DAVIS, NASS, SHERMAN

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFKY

3 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Rebecca Kurtz** of Phillips for reappointment to the Land Use Regulation Commission 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 Steve Schaefer of Grand Lake Stream for reappointment to the Land Use Regulation Commission

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2010, Communication (S.C. 749) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, READ and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#379)**

YEAS: Senators: None

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

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFKY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Steve Schaefer** of Grand Lake Stream for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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The Chair laid before the Senate the following Tabled and Later (3/24/10) Assigned matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Surcharges on the Use of Debit Cards"

H.P. 1266 L.D. 1779

Majority - **Ought to Pass** (9 members)

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

Tabled - March 24, 2010, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, March 18, 2010, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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The Chair laid before the Senate the following Tabled and Later (3/25/10) Assigned matter:

Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions"  
S.P. 341 L.D. 891

Tabled - March 25, 2010, by Senator **GOODALL** of Sagadahoc

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-386)**

(In Senate, March 25, 2010, on motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-386)** Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-386) **READ**.)

Committee Amendment "A" (S-386) **ADOPTED**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-386).

On further motion by same Senator, Senate Amendment "C" (S-489) to Committee Amendment "A" (S-386) **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President. Just a few points on this amendment. I was very concerned when I saw this Resolve come forward about a couple of things that involved the Maine Uniform Building Code, which is under the process right now. In Section 1, particularly, the housing community is concerned that the standard, to quote, 'void emissions will lead to payment of mitigation fees.' As we know right now, in particular, with the housing situation and the economy and the state it's in, any kind of problems with putting hurdles up for housing is certainly something I would object to. My amendment does a few things that will remove the language requiring the Department of Environmental Protection to move to carbon neutral standards and instead requires the Department to develop what is more commonly used, energy efficient standards. I think this is a very positive way to move forward, still dealing with the environmental issues but also not putting a hurdle up that would certainly be out of step with what is already currently in the law. It also removes language that requires the Department of Environmental Protection to evaluate the energy performance of the Maine Uniform Building Code and that is what I just referred to as somewhat problematic for me because we're just in that process right now of dealing with the Uniform Building Code. I hope that you will support this pending motion.

On further motion by same Senator, 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 Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today in opposition to this motion for this amendment. I want to first give you a little background of where we are with this bill. This bill was a carry over bill originally. It came from last session. It was similar to what you may remember as L.D. 1333, which ultimately ended up in the culvert bill that is before us on today's calendar. That being said, many hours were put forth on this bill. Ultimately it was carried over and there was a stakeholder process that included numerous people from industry, architecture, building trades, environmental organizations, State agencies, and so forth. Ultimately we came back this session and had many more hours of debate, both in committee and with interested people outside of committee. Ultimately the question was whether or not we could go forward with these large scale developments and not only seek efficiency for the building envelope but also for the site. We're not choosing the location of the site. We said if a site is chosen we are to look at the whole efficiency of the site to minimize our dependence on fossil fuels, maximize energy

efficiency, and reduce greenhouse gas emissions. In this process we also proposed, which I did, how to seek alternatives. Third party certifications, the highest level, platinum potentially. Incentivize developers to go this route and potentially relieve them of some of the obligations that they have right now when they seek a permit for these large scale developments. As you know, that is the site law development permit. However, we could come to a conclusion on how to properly do that. Some business organizations asked us to go back and study this issue. In fact, that is what the bill does. The amendment that is before us now would not do that. I understand there are concerns about the Maine Building Energy Code, which is not place yet. However, if we are looking at large scale development we have to at least consider what is pending. In fact, we should at least plan for the future. The Resolve, as you know, sets no standards. It is merely looking into the question and proposes new ideas that potentially the next legislature, or future legislatures, may or may not adopt. This amendment, as well as the original bill, is merely a Resolve looking into how to improve energy efficiency and reduce fossil fuel consumption in our large scale developments. I would encourage you to defeat this amendment, and join me in doing so, and then go back to the original committee amendment.

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, I'm somewhat concerned. I need to support this amendment, the reason being has something to do with the energy code but it also has a whole heck of a lot to do with the development of affordable housing which is to be built. It is possible that the Resolve could require enough green items, and I understand it would bring back money, that it would raise above the limit the federal government allows for affordable housing. We came very close to that with the fire sprinklers for new housing. Every time we require something to be done in housing we raise that level up. While I understand a Resolve does not do anything as far as creating law, people are looking at something only on the environmental energy part and not on affordable housing. Affordable housing is a major problem for the state of Maine and every time we raise a standard, we require something else, that price line goes into the cost of construction for housing. I'm extremely concerned we will eventually move that so high that there would be no affordable housing and you could not get the financing for what's called affordable housing. I support this amendment for that reason. Not that I think that green is not the way to go, I am concerned there is absolutely no mention of what this could do for affordable housing at that level. I will support this amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you, Madame President. Men and women of the Senate, I just want to say that I also support this amendment and urge my colleagues to support it as well. The Maine Uniform Building and Energy Code is not yet in place. We have been working for the entire eight years that I have had the privilege of serving in the legislature to get to uniformity. The idea that we are going to undermine that before we have even had the opportunity to enact and have finalized the Building and Energy Code, to me, is very damaging to the very substance of that code.

I would urge your support of this amendment. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, one thing I did not state in my prior remarks is if we are looking at the long term costs, if we are looking at how much we, as a state, can potentially assist in affordable housing or, in fact, some of the programs which we are now, through REGGI, giving grants and so forth to some of these large scale developments to make them more energy efficient, we wouldn't have to give that money in the future if these developments were built in a more energy efficient way. In fact, they would be more competitive and hopefully housing, in long term costs, would be more affordable. I think we have to think about the long term plan of this state. Many things in the original bill are actually very similar to what Utilities and Energy focuses on in terms of their long term energy plans. Once again I go back. This is a long term view that we are studying and we're going to, hopefully, look at ways of making things more energy efficient into the future. The amendment before us, in my opinion, does not do that and I would encourage you to join me in defeating this amendment so we can get back to the original bill. Thank you.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I've struggled with this issue and this amendment before us. I have an idea that when we're discussing this amendment we're probably not allowed to discuss other amendments that haven't even been offered yet. The reason I've come down just a few minutes ago to support this amendment is section 3 of it. The CLUP, which we referred to earlier, the Comprehensive Land Use Plan for the unorganized territory, was just signed by the Governor a week ago. It's one week old. That has one way for the LURC Board to proceed with energy efficiency and parts of this bill, without this amendment that is before us, have a slightly different way for LURC to proceed. That is a concern to members of my committee that I've informally polled. I will be supporting this amendment before us, mostly because of section 3 of it. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Adopt Senate Amendment "C" (S-489) to Committee Amendment "A" (S-386). 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 (#380)**

YEAS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, NASS, NUTTING, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SMITH, SULLIVAN, TRAHAN, WESTON

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GOODALL, HOBBS, JACKSON, MARRACHE, PERRY, SIMPSON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senator: MILLS

EXCUSED: Senator: GERZOFKY

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **SCHNEIDER** of Penobscot to **ADOPT** Senate Amendment "C" (S-489) to Committee Amendment "A" (S-386), **PREVAILED**.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-386) as Amended by Senate Amendment "C" (S-489) thereto. (Roll Call Ordered)

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

**ENACTORS**

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

**Emergency Measure**

An Act To Improve the Laws Governing the Consolidation of School Administrative Units

H.P. 408 L.D. 570  
(C "A" H-768)

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

**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  
(S "A" S-426)

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

**Emergency Measure**

An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses

H.P. 1218 L.D. 1717  
(C "A" H-745)

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

**Emergency Measure**

An Act To Adopt the Common Core State Standards Initiative

S.P. 705 L.D. 1800  
(C "A" S-423)

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

**Emergency Measure**

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories

H.P. 1294 L.D. 1807  
(C "A" H-758; H "A" H-771)

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

**Emergency Measure**

An Act To Further Amend the Sex Offender Registration and Notification Act of 1999

H.P. 1305 L.D. 1822

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Implement the Recommendations of the Juvenile Justice Task Force

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

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

H.P. 1270 L.D. 1780  
(C "A" H-770)

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

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

**ENACTORS**

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

**Acts**

An Act To Amend the Motor Vehicle Laws

S.P. 599 L.D. 1562  
(C "A" S-391; H "A" H-711;  
S "A" S-433)

An Act To Amend the Rights and Liabilities of the Supervising Physician of a Physician Assistant

H.P. 1112 L.D. 1574  
(H "A" H-755 to C "A" H-732)

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

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An Act To Reform Insurance Coverage To Include Diagnosis and Treatment for Autism Spectrum Disorders

S.P. 446 L.D. 1198  
(C "A" S-430)

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

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An Act To Regulate the Use of Automated License Plate Recognition Systems

S.P. 598 L.D. 1561  
(S "B" S-432; S "C" S-453  
to C "A" S-401)

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. To anybody who could answer, there are a number of amendments on this bill, An Act to Regulate the Use of Automated License Plate Recognition Systems. I wonder if someone might be able to explain the posture of the bill as it sits?

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

Senator **BLISS:** Thank you, Madame President. Men and women of the Senate, this bill has a Committee Amendment on it because it was amended in the committee. When it came out of the committee there were some phases in it that were of concern to the South Portland Police Department and the Department of Public Safety. Those two entities and the Maine Civil Liberties Union worked together pretty tirelessly to come up with wording that everybody could agree to that would allow the police departments to move forward with the technology in order to perform the community service functions while still protecting

individual's rights, which was the concern of the Civil Liberties Union. That is the Senate Amendment that we passed here without objection a few days ago. Thank you, Madame President.

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

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, in addition to that there was a Senate Amendment that was placed on this particular bill which eliminated the requirement that there be legislation reported out by the 125<sup>th</sup> legislature. It simply calls for a report back.

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

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An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws

H.P. 1111 L.D. 1573  
(C "A" H-756)

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

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An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs

H.P. 1167 L.D. 1639  
(S "A" S-441 to C "A" H-699)

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

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An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use

H.P. 1304 L.D. 1821

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

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

**ENACTORS**

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

**Resolves**

Resolve, Regarding the Dispensing of Antiepileptic Drugs  
S.P. 644 L.D. 1672  
(S "A" S-434 to C "A" S-390)

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Examine the Collection of the Milk Handling Fee on Packaged Milk for Out-of-state Sales  
H.P. 1276 L.D. 1788  
(S "A" S-458 to C "A" H-737)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

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

In Senate, March 23, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735) AS AMENDED BY HOUSE AMENDMENT "A" (H-788)** thereto, in **NON-CONCURRENCE**.

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions"  
S.P. 341 L.D. 891

Tabled - March 29, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-386) AS AMENDED BY SENATE AMENDMENT "C" (S-489)** thereto (Roll Call Ordered)

(In Senate, March 25, 2010, on motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-386)** Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-386) **READ.**)

(In Senate, March 29, 2010, Committee Amendment "A" (S-386) **ADOPTED.** On motion by Senator **SCHNEIDER** of Penobscot, **RECONSIDERED.** On further motion by same Senator, Senate Amendment "C" (S-489) to Committee Amendment "A" (S-386) **READ** and **ADOPTED.**)

Senator **COURTNEY** of York requested and received leave of the Senate to withdraw his request for a Roll Call.

Committee Amendment "A" (S-386) as Amended by Senate Amendment "C" (S-489) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-386) AS AMENDED BY SENATE AMENDMENT "C" (S-489)** thereto.

Ordered sent down forthwith for concurrence.

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

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

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

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

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Off Record Remarks

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On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Tuesday, March 30, 2010, at 10:00 in the morning.