

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

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

In Senate Chamber
Thursday
April 1, 2010

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

Prayer by Reverend Jane E. Dibden, Covenant Chapel of North Vassalboro.

REVEREND DIBDEN: Good morning. Dear Lord, today our minds are full of what's going on around us. Spring, Passover, Holy Thursday, Maundy Thursday, President Obama's visit, the weather, rains and flooding, Good Friday, and Easter. We are mindful of what has to be accomplished today and ask for wisdom. We pray for travel safety for family, friends, relatives, and for the President and his entourage. We pray for guidance and strength to wrap up last minute details and to move on to new phases. Above all I pray that we may all feel loved. Knowing that the Apostle John said that God is love, I pray that Madame President, the Senators, staff, and their families will be touched by Your amazing love, Lord. May we all feel immersed in love today and during this special season of the year. And the people say together, Amen.

Reading of the Journal of Wednesday, March 31, 2010.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 754

**STATE OF MAINE
124TH MAINE LEGISLATURE
OFFICE OF THE PRESIDENT**

March 18, 2010

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 163, §2003, I am pleased to appoint Judy Colby-George of Yarmouth to serve on the Maine Library of Geographic Information Board, serving as a member of the private sector representing geographic information vendors.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 755

**STATE OF MAINE
124TH MAINE LEGISLATURE
OFFICE OF THE PRESIDENT**

March 18, 2010

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 10, MRSA, Chapter 110, §1079, I am pleased to appoint Mr. A. Charles Kennedy of Cape Elizabeth to the Family Development Accounts Advisory Committee.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Energy Infrastructure Development"
H.P. 1274 L.D. 1786

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-809).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809)**.

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

READ ONCE.

Committee Amendment "A" (H-809) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate

Ought to Pass As Amended

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enhance the Redevelopment of the Brunswick Naval Air Station" (EMERGENCY)

S.P. 629 L.D. 1664

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-503)**.

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

READ ONCE.

Committee Amendment "A" (S-503) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent forthwith to the Engrossing Division.

SECOND READERS

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

House As Amended

Bill "An Act Concerning the Allocation of Power Generated by GNE, LLC"

H.P. 388 L.D. 543
(C "A" H-803)

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

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 Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units

S.P. 707 L.D. 1804
(C "A" S-497)

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

Emergency Resolve

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

H.P. 1204 L.D. 1703
(C "A" H-708; S "A" S-498)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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 Require Private Insurance Coverage for Certain Services for Children with Disabilities

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

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

An Act To Establish the Universal Childhood Immunization Program

H.P. 984 L.D. 1408
(C "A" H-792)

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

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

Act

An Act Concerning Statewide Communications Interoperability
H.P. 1201 L.D. 1700
(C "A" H-775)

Comes from the House **FAILED ENACTMENT**.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

Resolve

Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula
H.P. 389 L.D. 551
(C "A" H-793)

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

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 Decriminalize Violations of Rules or Permit Conditions of the Baxter State Park Authority" (EMERGENCY)

H.P. 1310 L.D. 1824

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-812)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.

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

READ ONCE.

Committee Amendment "A" (H-812) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Define High-risk Populations for the Purposes of Hospital Surveillance for Methicillin-resistant Staphylococcus Aureus and To Implement Public Law 2009, chapter 346 (EMERGENCY)

H.P. 1188 L.D. 1687

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

Signed:

Senator:

MARRACHÉ of Kennebec

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STRANG BURGESS of Cumberland
EVES of North Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-810)**.

Signed:

Senators:

BRANNIGAN of Cumberland
MILLS of Somerset

Representative:

STUCKEY of Portland

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)** Report, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)** Report, in **NON-CONCURRENCE**.

HAMPER of Oxford
BLODGETT of Augusta
TUTTLE of Sanford
CUSHING of Hampden
BUTTERFIELD of Bangor
BICKFORD of Auburn
GILBERT of Jay
DRISCOLL of Westbrook

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

PAPERS FROM THE HOUSE

Signed:

Non-Concurrent Matter

Senator:

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)

GERZOFSKY of Cumberland

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

In Senate, March 29, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483)**.

Reports **READ**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AND HOUSE AMENDMENT "A" (H-813)**, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

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

Senate at Ease.

Senate called to order by the President.

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

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

Off Record Remarks

REPORTS OF COMMITTEES

House

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

Divided Report

After Recess

The Majority of the Committee on **LABOR** on Bill "An Act To Index the State Minimum Wage to Inflation"
H.P. 157 L.D. 192

Senate called to order by the President.

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

ORDERS OF THE DAY

Signed:

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

Senators:

JACKSON of Aroostook
MILLS of Somerset

An Act To Establish the Universal Childhood Immunization Program

H.P. 984 L.D. 1408
(C "A" H-792)

Representatives:

CLARK of Millinocket
THIBODEAU of Winterport

Tabled - April 1, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, March 30, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, in concurrence.)

(In House, March 31, 2010, **PASSED TO BE ENACTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#393)

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

NAYS: Senators: None

ABSENT: Senator: SHERMAN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1319

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is a potentially devastating and immobilizing progressive disorder of the brain and spinal cord that causes paralysis, tremor, depression and isolation and is unpredictable in its outcome; and

WHEREAS, Parkinson's disease is estimated to occur in approximately 7,000 adults and in an unknown number of children in the State, and numerous care providers in the State shoulder the responsibility of caring for those affected; and

WHEREAS, in a typical week, a Parkinson's disease patient requires an estimated 7 care providers, making the number of people directly touched each week in the State by Parkinson's disease close to 50,000; and

WHEREAS, Parkinson's disease symptoms are neither clearly understood nor exactly quantifiable by either the medical community or the general public, which creates distress and danger in the lives of Parkinson's disease patients, especially those arriving at emergency rooms in the State's hospitals; and

WHEREAS, upon arrival at an emergency room, Parkinson's disease patients are often treated by medical personnel who are untrained in treating this disease, which causes inaccurate health assessments and leads to the use of inappropriate medications that may exacerbate the symptoms; and

WHEREAS, there are only two movement disorder neurologists in this State who specialize in Parkinson's disease, one in Scarborough and one in Westbrook, which makes access limited for prospective patients, and beyond these two physicians, there are insufficient treatments and no trained personnel at any level in the State; and

WHEREAS, in order to save lives, there is an urgent need to establish and fund a plan regarding Parkinson's disease to train and educate emergency room personnel, law enforcement personnel, firefighters, other public safety workers, emergency medical services' personnel, boat and shipping captains, directors of transportation and supervisors of state parks and recreational areas; and

WHEREAS, there is a network of fifteen Parkinson's disease support groups statewide, located in Augusta, Waterville, Greater Bangor, Biddeford, the Blue Hill area, Bath, Brunswick, Cape Elizabeth, Camden, Greater Portland, Lewiston, Norway, Westbrook, Yarmouth and York, and 2 other groups, a younger onset group in Brunswick and a Parkinson's Plus group in South Portland; and

WHEREAS, the Maine Chapter of the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Center are all jointly established at a central resource at the Maine Medical Center campus in Falmouth, with satellite resources in all MaineHealth Learning Resource Center locations, including Norway, Scarborough, Falmouth, Portland and Maine Medical Center's East Tower; and

WHEREAS, April 11th is known globally as World Parkinson's Day, and April is Parkinson's Disease Awareness Month; 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 and commitment to all efforts being made by the Parkinson's disease community to close the gaps in funding, services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society, the Maine Chapter of the American Parkinson Disease Association, the MaineHealth Learning Resource Center in Falmouth and the University of New England's Medical School, the College of Osteopathic Medicine.

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

READ.

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

Senator **CRAVEN:** Thank you, Madame President. Men and women of the Senate, Parkinson's Disease is a progressive disorder that affects over 1.5 million people in America and 7,000 of those people are from Maine, which puts us above the national average. I don't know why we are above the national average for suffering Parkinson's Disease. This is Parkinson's Disease awareness month. It's important for us to be aware of this issue that affects our constituents and Maine families. This debilitating disease gradually erodes a person's ability, physically and mentally. I think that we need to be sympathetic to people that are living with Parkinson's. All of those numbers just seem like statistics and that is what they are until they hit a loved one or somebody in your family. My family is afflicted with this disorder. My husband is a Parkinson's Disease sufferer. The sadness and the shifts that happen in your life is very, very difficult when a person is diagnosed with this disease in your family. The lack of ability and the cost of just making sure that the disease is controlled is really something that impacts families. I have nothing to add to this sentiment but that it happens to real people and people struggle with this on a daily basis. Thank you, Madame President.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Lillian Scenna, a licensed social worker from the Parkinson's Information Center; Ivan Suzan, Legislative Advocate; Helen Johnson, a caregiver; Deborah Roberge, Augusta Support Group leader; and Gordon Guiest, Camden Rockland Support Group leader. Would you please stand and accept the greetings of the Maine Senate.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

H.P. 1080 L.D. 1536

Majority - **Ought to Pass** (7 members)

Minority - **Ought Not to Pass** (6 members)

In House, March 24, 2010, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759)**.

In Senate, March 25, 2010, on motion by Senator **BRYANT** of Oxford, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **BRYANT** of Oxford, the Senate **RECEDED** from whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE**.

House Amendment "A" (H-759) **READ**.

Senator **BRYANT** of Oxford moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-759), in **NON-CONCURRENCE**.

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 Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I ask that you defeat the pending motion and move to adopt the House Amendment. I'll tell you a little bit of history about this issue that came before the Inland Fisheries and Wildlife Committee some 8 or 10 years ago. That is the use of ATVs on private property. That's really what this issue is trying to resolve. More than that, the abuse of ATVs on private property. For those folks who have a short memory, we were here some 8 years ago trying to find a way forward that would allow ATVs to be used on private property. The reason that came about was because there was such an abuse of ATVs on private property. I am a self-employed logger. I've work for landowners some 26 years now and I can tell you, for landowners abuse of their property was a serious issue. Not by the loggers, but by the ATVs that were coming onto their property, running up and down brooks, tearing them up, creating washouts, using roads during times of the year when they shouldn't be, tearing them up, creating erosion problems, dumping, drinking, going down camp roads and breaking into the camps. There was just a whole array of abuses that were going on and landowners cried out for help. The Inland Fisheries and Wildlife Committee tried to find some common ground and I think we did that with an agreement that allowed game wardens to stop ATVs on private property. That became the law. It was challenged in court. The Supreme Court ruled very divisively, 4 - 3, that these types of stops were allowed. Why I rise to ask you to defeat this pending

motion is because of the ripple effects that will occur if we don't pass this piece of legislation. Many of you know the Brookings Institution did a comprehensive report about how Maine can move forward and invest in our economy. One of their key recommendations was to invest in what makes Maine unique. That was our natural resources. If we don't try to find a balance between landowners, which by the way own the vast majority of land in Maine and are gracious enough to let us use their land, then I believe you will see a serious posting going on statewide. That would be sad. We did strike a balance last year upon my objection and many of the committee members. We passed a bill that we are now trying to repeal. I opposed it then and tried to say to wait for the Supreme Court to rule. Other members did not want to do that and we muscled through this bill that I think we are trying now to fix. I ask you please defeat this motion and support the action of the other Body. I believe it will strike a balance that is desperately needed but it will also allow us to move forward and continue to use private lands. Thank you, ladies and gentlemen.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **INDEFINITELY POSTPONE** House Amendment "A" (H-759), in **NON-CONCURRENCE**. (Roll Call Ordered)

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/31/10) Assigned matter:

Emergency

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

H.P. 1224 L.D. 1725
(S "A" S-493 to C "B" H-678)

Tabled - March 31, 2010, by Senator **RAYE** of Washington

Pending - **FINAL PASSAGE**, in concurrence (Roll Call Ordered)

(In House, March 31, 2010, **FINALLY PASSED**.)

(In Senate, March 30, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY SENATE AMENDMENT "A" (S-493)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **GOODALL** of Sagadahoc, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY SENATE AMENDMENT "A" (S-493)** thereto, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-506) **READ**.

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

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, we've had a conversation on this bill earlier. This amendment only strips the emergency clause from the bill. I would hope you will join me in supporting this motion.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. I just want to rise briefly to support this motion. The effect of this will be to give small landowners a little bit more time this summer to finish up their road projects that they may be building to their homes, particularly new driveways. As I indicated earlier on the floor here some days ago, it's the small landowner that is going to get caught here and this gives them a little bit more time to finish up their new construction projects this summer before the new rules take effect. Thank you.

On motion by Senator **GOODALL** of Sagadahoc, Senate Amendment "A" (S-506) **ADOPTED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#394)

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

NAYS: Senators: COURTNEY, MCCORMICK, NASS, PLOWMAN, RAYE, ROSEN

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY SENATE AMENDMENT "A" (S-493)** thereto **AND SENATE AMENDMENT "A" (S-506)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Define High-risk Populations for the Purposes of Hospital Surveillance for Methicillin-resistant Staphylococcus Aureus and To Implement Public Law 2009, chapter 346 (EMERGENCY)

H.P. 1188 L.D. 1687

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-810)** (3 members)

Tabled - April 1, 2010, by Senator **COURTNEY** of York

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)** Report, in **NON-CONCURRENCE**

(In House, March 31, 2010, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 1, 2010, Reports **READ**.)

On motion by Senator **MARRACHÉ** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Amend the Tax Laws"

H.P. 1084 L.D. 1540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-754)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754)**.

Report **READ**.

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

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

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

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

Senator **DAMON** of Hancock 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.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Friday, April 2, 2010, at 9:00 in the morning.